

1 **SECTION 1. SHORT TITLE: TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Aviation and Transportation Security Act ”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

[TO BE SUPPLIED]

6 **TITLE I—AVIATION SECURITY**

7 **SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.**

8 (a) **IN GENERAL.**—Chapter 1 of title 49, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 **“§ 114. Transportation Security Administration**

12 “(a) **IN GENERAL.**—The Transportation Security  
13 Administration shall be an administration of the Depart-  
14 ment of Transportation.

15 “(b) **UNDER SECRETARY.**—

16 “(1) **APPOINTMENT.**—The head of the Adminis-  
17 tration shall be the Under Secretary of Transpor-  
18 tation for Security. The Under Secretary shall be  
19 appointed by the President, by and with the advice  
20 and consent of the Senate.

21 “(2) **QUALIFICATIONS.**—The Under Secretary  
22 must—

23 “(A) be a citizen of the United States; and

1           “(B) have experience in a field directly re-  
2           lated to transportation or security.

3           “(3) TERM.—The term of office of an indi-  
4           vidual appointed as the Under Secretary shall be 5  
5           years.

6           “(c) LIMITATION ON OWNERSHIP OF STOCKS AND  
7           BONDS.—The Under Secretary may not own stock in or  
8           bonds of a transportation or security enterprise or an en-  
9           terprise that makes equipment that could be used for secu-  
10          rity purposes.

11          “(d) FUNCTIONS.—The Under Secretary shall be re-  
12          sponsible for security in all modes of transportation,  
13          including—

14               “(1) carrying out chapter 449, relating to civil  
15               aviation security, and related research and develop-  
16               ment activities; and

17               “(2) security responsibilities over other modes  
18               of transportation that are exercised by the Depart-  
19               ment of Transportation.

20          “(e) SCREENING OPERATIONS.—The Under Sec-  
21          retary shall—

22               “(1) be responsible for day-to-day Federal secu-  
23               rity screening operations for passenger air transpor-  
24               tation and intrastate air transportation under sec-  
25               tions 44901 and 44935;

1           “(2) develop standards for the hiring and reten-  
2           tion of security screening personnel;

3           “(3) train and test security screening personnel;  
4           and

5           “(4) be responsible for hiring and training per-

6           sonnel to provide security screening at all airports in  
7           the United States ~~described in section 44908(a)~~, in (1)  
8           consultation with the Secretary of Transportation  
9           and the heads of other appropriate Federal agencies  
10          and departments.

where  
screening  
is  
required  
under

11          “(f) ADDITIONAL DUTIES AND POWERS.—In addi-  
12          tion to carrying out the functions specified in subsections  
13          (d) and (e), the Under Secretary shall—

14               “(1) receive, assess, and distribute intelligence  
15               information related to transportation security;

16               “(2) assess threats to transportation;

17               “(3) develop policies, strategies, and plans for  
18               dealing with threats to transportation security;

19               “(4) make other plans related to transportation  
20               security, including coordinating countermeasures  
21               with appropriate departments, agencies, and instru-  
22               mentalities of the United States Government;

23               “(5) serve as the primary liaison for transpor-  
24               tation security to the intelligence and law enforce-  
25               ment communities;

1           “(6) on a day-to-day basis, manage and provide  
2           operational guidance to the field security resources  
3           of the Administration, including Federal Security  
4           Managers as provided by section 44933;

5           “(7) enforce security-related regulations and re-  
6           quirements;

7           “(8) identify and undertake research and devel-  
8           opment activities necessary to enhance transpor-  
9           tation security;

10          “(9) inspect, maintain, and test security facili-  
11          ties, equipment, and systems;

12          “(10) ensure the adequacy of security measures  
13          for the transportation of cargo;

14          “(11) oversee the implementation, and ensure  
15          the adequacy, of security measures at airports and  
16          other transportation facilities;

17          “(12) require background checks for airport se-  
18          curity screening personnel, individuals with access to  
19          secure areas of airports, and other transportation se-  
20          curity personnel;

21          “(13) work in conjunction with the Adminis-  
22          trator of the Federal Aviation Administration with  
23          respect to any actions or activities that may affect  
24          aviation safety or air carrier operations;



1           “(14) work with the International Civil Aviation  
2           Organization and appropriate aeronautic authorities  
3           of foreign governments under section 44907 to ad-  
4           dress security concerns on passenger flights by for-  
5           eign air carriers in foreign air transportation; and

6           “(15) carry out such other duties, and exercise  
7           such other powers, relating to transportation secu-  
8           rity as the Under Secretary considers appropriate, to  
9           the extent authorized by law.

10          “(g) NATIONAL EMERGENCY RESPONSIBILITIES.—

11           “(1) IN GENERAL.—Subject to the direction  
12           and control of the Secretary, the Under Secretary,  
13           during a national emergency, shall have the fol-  
14           lowing responsibilities:

15           “(A) To coordinate domestic transpor-  
16           tation, including aviation, rail, and other sur-  
17           face transportation, and maritime transpor-  
18           tation (including port security).

19           “(B) To coordinate and oversee the trans-  
20           portation-related responsibilities of other de-  
21           partments and agencies of the Federal Govern-  
22           ment other than the Department of Defense  
23           and the military departments.

24           “(C) To coordinate and provide notice to  
25           other departments and agencies of the Federal

1 Government, and appropriate agencies of State  
2 and local governments, including departments  
3 and agencies for transportation, law enforce-  
4 ment, and border control, about threats to  
5 transportation.

6 “(D) To carry out such other duties, and  
7 exercise such other powers, relating to transpor-  
8 tation during a national emergency as the Sec-  
9 retary shall prescribe.

10 “(2) AUTHORITY OF OTHER DEPARTMENTS  
11 AND AGENCIES.—The authority of the Under Sec-  
12 retary under this subsection shall not supersede the  
13 authority of any other department or agency of the  
14 Federal Government under law with respect to  
15 transportation or transportation-related matters,  
16 whether or not during a national emergency.

17 “(3) CIRCUMSTANCES.—The Secretary shall  
18 prescribe the circumstances constituting a national  
19 emergency for purposes of this subsection.

20 “(h) MANAGEMENT OF SECURITY INFORMATION.—  
21 In consultation with the Transportation Security Over-  
22 sight Board, the Under Secretary shall—

23 “(1) enter into memoranda of understanding  
24 with Federal agencies or other entities to share or  
25 otherwise cross-check as necessary data on individ-

1 uals identified on Federal agency databases who  
2 may pose a risk to transportation or national secu-  
3 rity;

4 “(2) establish procedures for notifying the Ad-  
5 ministrator of the Federal Aviation Administration,  
6 appropriate State and local law enforcement offi-  
7 cials, and airport or airline security officers of the  
8 identity of individuals known to pose, or suspected  
9 of posing, a risk of air piracy or terrorism or a  
10 threat to airline or passenger safety;

11 “(3) in consultation with other appropriate  
12 Federal agencies and air carriers, establish policies  
13 and procedures requiring air carriers—

14 “(A) to use information from government  
15 agencies to identify individuals on passenger  
16 lists who may be a threat to civil aviation or na-  
17 tional security; and

18 “(B) if such an individual is identified, no-  
19 tify appropriate law enforcement agencies, pre-  
20 vent the individual from boarding an aircraft,  
21 or take other appropriate action with respect to  
22 that individual; and

23 “(4) consider requiring passenger air carriers to  
24 share passenger lists with appropriate Federal agen-  
25 cies for the purpose of identifying individuals who

1       may pose a threat to aviation safety or national se-  
2       curity.

3       “(i) VIEW OF NTSB.—In taking any action under  
4 this section that could affect safety, the Under Secretary  
5 shall give great weight to the timely views of the National  
6 Transportation Safety Board.

7       “(j) ACQUISITIONS.—

8               “(1) IN GENERAL.—The Under Secretary is  
9       authorized—

10               “(A) to acquire (by purchase, lease, con-  
11               demnation, or otherwise) such real property, or  
12               any interest therein, within and outside the con-  
13               tinental United States, as the Under Secretary  
14               considers necessary;

15               “(B) to acquire (by purchase, lease, con-  
16               demnation, or otherwise) and to construct, re-  
17               pair, operate, and maintain such personal prop-  
18               erty (including office space and patents), or any  
19               interest therein, within and outside the conti-  
20               nental United States, as the Under Secretary  
21               considers necessary;

22               “(C) to lease to others such real and per-  
23               sonal property and to provide by contract or  
24               otherwise for necessary facilities for the welfare

1 of its employees and to acquire maintain and  
2 operate equipment for these facilities;

3 “(D) to acquire services, including such  
4 personal services as the Secretary determines  
5 necessary, and to acquire (by purchase, lease,  
6 condemnation, or otherwise) and to construct,  
7 repair, operate, and maintain research and test-  
8 ing sites and facilities; and

9 “(E) in cooperation with the Administrator  
10 of the Federal Aviation Administration, to uti-  
11 lize the research and development facilities of  
12 the Federal Aviation Administration.

13 “(2) TITLE.—Title to any property or interest  
14 therein acquired pursuant to this subsection shall be  
15 held by the Government of the United States.

16 “(k) TRANSFERS OF FUNDS.—The Under Secretary  
17 is authorized to accept transfers of unobligated balances  
18 and unexpended balances of funds appropriated to other  
19 Federal agencies (as such term is defined in section  
20 551(1) of title 5) to carry out functions transferred, on  
21 or after the date of enactment of the Aviation and Trans-  
22 portation Security Act, by law to the Under Secretary.

23 “(l) REGULATIONS.—

24 “(1) IN GENERAL.—The Under Secretary is au-  
25 thorized to issue, rescind, and revise such regula-

1       tions as are necessary to carry out the functions of  
2       the Administration.

3       “(2) EMERGENCY PROCEDURES.—

4               “(A) IN GENERAL.—Notwithstanding any  
5       other provision of law or executive order (in-  
6       cluding an executive order requiring a cost-ben-  
7       efit analysis), if the Under Secretary deter-  
8       mines that a regulation or security directive  
9       must be issued immediately in order to protect  
10      transportation security, the Under Secretary  
11      shall issue the regulation or security directive  
12      without providing notice or an opportunity for  
13      comment and without prior approval of the Sec-  
14      retary.

15             “(B) REVIEW BY TRANSPORTATION SECU-  
16      RITY OVERSIGHT BOARD.—Any regulation or  
17      security directive issued under this paragraph  
18      shall be subject to review by the Transportation  
19      Security Oversight Board established under sec-  
20      tion 115. Any regulation or security directive  
21      issued under this paragraph shall remain effec-  
22      tive unless disapproved by the Board or re-  
23      scinded by the Under Secretary.

24             “(3) FACTORS TO CONSIDER.—In determining  
25      whether to issue, rescind, or revise a regulation

1 under this section, the Under Secretary shall con-  
2 sider, as a factor in the final determination, whether  
3 the costs of the regulation are excessive in relation  
4 to the enhancement of security the regulation will  
5 provide. The Under Secretary may waive require-  
6 ments for an analysis that estimates the number of  
7 lives that will be saved by the regulation and the  
8 monetary value of such lives if the Under Secretary  
9 determines that it is not feasible to make such an  
10 estimate.

11 “(4) AIRWORTHINESS OBJECTIONS BY FAA.—

12 “(A) IN GENERAL.—The Under Secretary  
13 shall not take an aviation security action under  
14 this title if the Administrator of the Federal  
15 Aviation Administration notifies the Under Sec-  
16 retary that the action could adversely affect the  
17 airworthiness of an aircraft.

18 “(B) REVIEW BY SECRETARY.—Notwith-  
19 standing subparagraph (A), the Under Sec-  
20 retary may take such an action, after receiving  
21 a notification concerning the action from the  
22 Administrator under subparagraph (A), if the  
23 Secretary of Transportation subsequently ap-  
24 proves the action.

1       “(m) PERSONNEL AND SERVICES; COOPERATION BY  
2 UNDER SECRETARY.—

3           “(1) AUTHORITY OF UNDER SECRETARY.—In  
4 carrying out the functions of the Administration, the  
5 Under Secretary shall have the same authority as is  
6 provided to the Administrator of the Federal Avia-  
7 tion Administration under subsections (l) and (m) of  
8 section 106.

9           “(2) AUTHORITY OF AGENCY HEADS.—The  
10 head of a Federal agency shall have the same au-  
11 thority to provide services, supplies, equipment, per-  
12 sonnel, and facilities to the Under Secretary as the  
13 head has to provide services, supplies, equipment,  
14 personnel, and facilities to the Administrator of the  
15 Federal Aviation Administration under section  
16 106(m).

17       “(n) PERSONNEL MANAGEMENT SYSTEM.—The per-  
18 sonnel management system established by the Adminis-  
19 trator of the Federal Aviation Administration under sec-  
20 tion 40122 shall apply to employees of the Transportation  
21 Security Administration, or, subject to the requirements  
22 of such section, the Under Secretary may make such modi-  
23 fications to the personnel management system with re-  
24 spect to such employees as the Under Secretary considers



1 appropriate, such as adopting aspects of other personnel  
2 systems of the Department of Transportation.

3       “(o) ACQUISITION MANAGEMENT SYSTEM.—The ac-  
4 quisition management system established by the Adminis-  
5 trator of the Federal Aviation Administration under sec-  
6 tion 40110 shall apply to acquisitions of equipment, sup-  
7 plies, and materials by the Transportation Security Ad-  
8 ministration, or, subject to the requirements of such sec-  
9 tion, the Under Secretary may make such modifications  
10 to the acquisition management system with respect to  
11 such acquisitions of equipment, supplies, and materials as  
12 the Under Secretary considers appropriate, such as adopt-  
13 ing aspects of other acquisition management systems of  
14 the Department of Transportation.

15       “(p) AUTHORITY OF INSPECTOR GENERAL.—The  
16 Transportation Security Administration shall be subject to  
17 the Inspector General Act of 1978 (5 U.S.C. App.) and  
18 other laws relating to the authority of the Inspector Gen-  
19 eral of the Department of Transportation.

20       “(q) LAW ENFORCEMENT POWERS.—

21               “(1) IN GENERAL.—The Under Secretary may  
22 designate an employee of the Transportation Secu-  
23 rity Administration to serve as a law enforcement of-  
24 ficer.

1           “(2) POWERS.—While engaged in official duties  
2 of the Administration as required to fulfill the re-  
3 sponsibilities under this section, a law enforcement  
4 officer designated under paragraph (1) may—

5                   “(A) carry a firearm;

6                   “(B) make an arrest without a warrant for  
7 any offense against the United States com-  
8 mitted in the presence of the officer, or for any  
9 felony cognizable under the laws of the United  
10 States if the officer has probable cause to be-  
11 lieve that the person to be arrested has com-  
12 mitted or is committing the felony; and

13                   “(C) seek and execute warrants for arrest  
14 or seizure of evidence issued under the author-  
15 ity of the United States upon probable cause  
16 that a violation has been committed.

17           “(3) GUIDELINES ON EXERCISE OF AUTHOR-  
18 ITY.—The authority provided by this subsection  
19 shall be exercised in accordance with guidelines pre-  
20 scribed by the Under Secretary, in consultation with  
21 the Attorney General of the United States, and shall  
22 include adherence to the Attorney General’s policy  
23 on use of deadly force.

24           “(4) REVOCATION OR SUSPENSION OF AUTHOR-  
25 ITY.—The powers authorized by this subsection may

1 be rescinded or suspended should the Attorney Gen-  
2 eral determine that the Under Secretary has not  
3 complied with the guidelines prescribed in paragraph  
4 (3) and conveys the determination in writing to the  
5 Secretary of Transportation and the Under Sec-  
6 retary.

7 “(r) **AUTHORITY TO EXEMPT.**—The Under Secretary  
8 may grant an exemption from a regulation prescribed in  
9 carrying out this section if the Under Secretary deter-  
10 mines that the exemption is in the public interest.”.

11 (b) **CONFORMING AMENDMENT.**—The analysis for  
12 chapter 1 of such title is amended by adding at the end  
13 the following:

“114. **Transportation Security Administration.**”.

14 (c) **POSITION OF UNDER SECRETARY IN EXECUTIVE**  
15 **SCHEDULE.**—

16 (1) **IN GENERAL.**—Section 5313 of title 5,  
17 United States Code, is amended by adding at the  
18 end the following:

19 “The Under Secretary of Transportation for  
20 Security.”.

21 (2) **BONUS ELIGIBILITY.**—In addition to the  
22 annual rate of pay authorized by section 5313 of  
23 title 5, United States Code, the Under Secretary  
24 may receive a bonus for any calendar year not to ex-  
25 ceed 30 percent of the annual rate of pay, based on

1 the Secretary's evaluation of the Under Secretary's  
2 performance.

3 (3) CONFORMING CHANGE.—Section  
4 106(r)(2)(A) of title 49, United States Code, is  
5 amended to read as follows:

6 “(A) IN GENERAL.—The Chief Operating  
7 Officer shall be paid at an annual rate of basic  
8 pay to be determined by the Administrator,  
9 with the approval of the Air Traffic Services  
10 Subcommittee of the Aviation Management Ad-  
11 visory Council. The annual rate may not exceed  
12 the annual compensation paid under section  
13 102 of title 3. The Chief Operating Officer shall  
14 be subject to the post-employment provisions of  
15 section 207 of title 18 as if the position of  
16 Chief Operating Officer were described in sec-  
17 tion 207(c)(2)(A)(i) of that title.”.

18 (d) COOPERATION WITH OTHER AGENCIES.—The  
19 last sentence of section 106(m) of such title is amended  
20 by striking “supplies and” and inserting “supplies, per-  
21 sonnel, services, and”.

22 (e) SECURITY AND RESEARCH AND DEVELOPMENT  
23 ACTIVITIES.—Section 40119 of such title is amended—

24 (1) in subsection (a) by striking “Administrator  
25 of the Federal Aviation Administration” and insert-

1 ing "Under Secretary of Transportation for Secu-  
2 rity";

3 (2) in subsections (b) and (c) by striking "Ad-  
4 ministrator" each place it appears and inserting  
5 "Under Secretary"; and

6 (3) in subsection (b)(1)(C) by striking "air".

7 (f) REFERENCES TO FAA IN CHAPTER 449.—Chap-  
8 ter 449 of such title is amended—

9 (1) in section 44904(b)(5) by striking "the Ad-  
10 ministration" and inserting "the Transportation Se-  
11 curity Administration";

12 (2) in the second sentence of section  
13 44913(a)(1) by striking "of the Administration" and  
14 inserting "of the Transportation Security Adminis-  
15 tration";

16 (3) in section 44916(a)—

17 (A) in the first sentence by striking "Ad-  
18 ministrator" and inserting "Under Secretary of  
19 Transportation for Security"; and

20 (B) in the second sentence by striking  
21 "Administration" and inserting "Transpor-  
22 tation Security Administration";

23 (4) in each of sections 44933(a) and 44934(b)  
24 by striking "Assistant Administrator for Civil Avia-  
25 tion Security" and inserting "Under Secretary";

1           (5) in section 44934(b)(1) by striking “Assist-  
2       ant Administrator” and inserting “Under Sec-  
3       retary”;

4           (6) by striking sections 44931 and 44932 and  
5       the items relating to such sections in the analysis for  
6       such chapter;

7           (7) by striking “Administrator” each place it  
8       appears in such chapter (except in subsections (f)  
9       and (h) of section 44936) and inserting “Under Sec-  
10      retary”;

11          (8) by striking “Administrator’s” each place it  
12      appears in such chapter and inserting “Under Sec-  
13      retary’s”; and

14          (9) by striking “of the Federal Aviation Admin-  
15      istration” each place it appears in such chapter (ex-  
16      cept in section 44936(f)) and inserting “of Trans-  
17      portation for Security”.

18      (g) TRANSITION PROVISIONS.—

19          (1) SCHEDULE FOR ASSUMPTION OF CIVIL  
20      AVIATION SECURITY FUNCTIONS.—Not later than 3  
21      months after the date of enactment of this Act, the  
22      Under Secretary of Transportation for Security shall  
23      assume civil aviation security functions and respon-  
24      sibilities under chapter 449 of title 49, United  
25      States Code, as amended by this Act, in accordance

1 with a schedule to be developed by the Secretary of  
2 Transportation, in consultation with air carriers, for-  
3 eign air carriers, and the Administrator of the Fed-  
4 eral Aviation Administration. The Under Secretary  
5 shall publish an appropriate notice of the transfer of  
6 such security functions and responsibilities before  
7 assuming the functions and responsibilities.

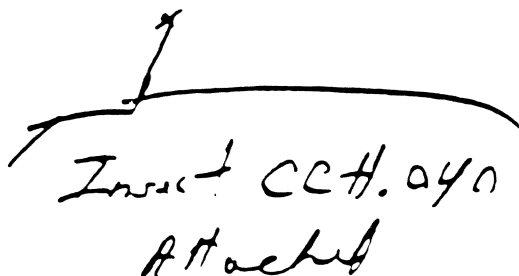
8 (2) ASSUMPTION OF CONTRACTS.—As of the  
9 date specified in paragraph (1), the Under Secretary  
10 may assume the rights and responsibilities of an air  
11 carrier or foreign air carrier contract for provision  
12 of passenger screening services at airports in the  
13 United States described in section 44903(c), subject  
14 to payment of adequate compensation to parties to  
15 the contract

16 (3) ASSIGNMENT OF CONTRACTS.—

17 (A) IN GENERAL.—Upon request of the  
18 Under Secretary, an air carrier or foreign air  
19 carrier carrying out a screening or security  
20 function under chapter 449 of title 49, United  
21 States Code, may enter into an agreement with  
22 the Under Secretary to transfer any contract  
23 the carrier has entered into with respect to car-  
24 rying out the function, before the Under Sec-  
25 retary assumes responsibility for the function.

1 (B) SCHEDULE.—The Under Secretary  
2 may enter into an agreement under subpara-  
3 graph (A) as soon as possible, but not later  
4 than 90 days after the date of enactment of  
5 this Act. The Under Secretary may enter into  
6 such an agreement for one 180-day period and  
7 may extend such agreement for one 90-day pe-  
8 riod if the Under Secretary determines it nec-  
9 essary.

10 (4) TRANSFER OF OWNERSHIP.—In recognition  
11 of the assumption of the financial costs of security  
12 screening of passengers and property at airports,  
13 and as soon as practical after the date of enactment  
14 of this Act, air carriers may enter into agreements  
15 with the Under Secretary to transfer the ownership,  
16 at no cost to the United States Government, of any  
17 personal property, equipment, supplies, or other ma-  
18 terial associated with such screening, regardless of  
19 the source of funds used to acquire the property,  
20 that the Secretary determines to be useful for the  
21 performance of security screening of passengers and  
22 property at airports.

A handwritten signature, possibly "Inser", is written above the text "CCH. 040". Below this, the word "Attached" is written in a cursive script. A long horizontal line with an arrow pointing upwards from its center is drawn above the signature.

Inser CCH. 040  
Attached



— INSERT TO PAGE 20

1           (5) PERFORMANCE OF UNDER SECRETARY'S  
2       FUNCTIONS DURING INTERIM PERIOD.—Until the  
3       Under Secretary takes office, the functions of the  
4       Under Secretary that relate to aviation security may  
5       be carried out by the Secretary or the Secretary's  
6       designee.

1 **SEC. 102. TRANSPORTATION SECURITY OVERSIGHT BOARD.**

2 (a) IN GENERAL.—Chapter 1 of title 49, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 115. Transportation Security Oversight Board**

6 “(a) IN GENERAL.—There is established in the De-  
7 partment of Transportation a board to be known as the  
8 ‘Transportation Security Oversight Board’.

9 “(b) MEMBERSHIP.—

10 “(1) NUMBER AND APPOINTMENT.—The Board  
11 shall be composed of 7 members as follows:

12 “(A) The Secretary of Transportation, or  
13 the Secretary’s designee.

14 “(B) The Attorney General, or the Attor-  
15 ney General’s designee.

16 “(C) The Secretary of Defense, or the Sec-  
17 retary’s designee.

18 “(D) The Secretary of the Treasury, or the  
19 Secretary’s designee.

20 “(E) The Director of the Central Intel-  
21 ligence Agency, or the Director’s designee.

22 “(F) One member appointed by the Presi-  
23 dent to represent the National Security Council.

24 “(G) One member appointed by the Presi-  
25 dent to represent the Office of Homeland Secu-  
26 rity.

1           “(2) CHAIRPERSON.—The Chairperson of the  
2 Board shall be the Secretary of Transportation.

3           “(c) DUTIES.—The Board shall—

4           “(1) review and ratify or disapprove any regula-  
5 tion or security directive issued by the Under Sec-  
6 retary of Transportation for security under section  
7 114(l)(2) within 30 days after the date of issuance  
8 of such regulation or directive;

9           “(2) facilitate the coordination of intelligence,  
10 security, and law enforcement activities affecting  
11 transportation;

12           “(3) facilitate the sharing of intelligence, secu-  
13 rity, and law enforcement information affecting  
14 transportation among Federal agencies and with  
15 carriers and other transportation providers as appro-  
16 priate;

17           “(4) explore the technical feasibility of devel-  
18 oping a common database of individuals who may  
19 pose a threat to transportation or national security;

20           “(5) review plans for transportation security;

21           “(6) make recommendations to the Under Sec-  
22 retary regarding matters reviewed under paragraph  
23 (5).

24           “(d) QUARTERLY MEETINGS.—The Board shall meet  
25 at least quarterly.

1       “(e) CONSIDERATION OF SECURITY INFORMATION.—  
2 A majority of the Board may vote to close a meeting of  
3 the Board to the public, except that meetings shall be  
4 closed to the public whenever classified, sensitive security  
5 information, or information protected in accordance with  
6 section 40119(b), will be discussed.”.

7       (b) POLICIES AND PROCEDURES.—Section 44911(b)  
8 of such title is amended by striking “international”.

9       (c) STRATEGIC PLANNING.—Section 44911(c) of  
10 such title is amended by striking “consider placing” and  
11 inserting “place”.

12       (d) CONFORMING AMENDMENT.—The analysis for  
13 chapter 1 of such title is amended by adding at the end  
14 the following:

“115. Transportation Security Oversight Board.”.

15 **SEC. 103. FEDERAL SECURITY MANAGERS.**

16       Section 44933 of title 49, United States Code, is  
17 amended to read as follows:

18 **“§ 44933. Federal Security Managers**

19       “(a) ESTABLISHMENT, DESIGNATION, AND STA-  
20 TIONING.—The Under Secretary of Transportation for Se-  
21 curity shall establish the position of Federal Security Man-  
22 ager at each airport in the United States described in sec-  
23 tion 44903(c). The Under Secretary shall designate indi-  
24 viduals as Managers for, and station those Managers at,  
25 those airports.

1       “(b) DUTIES AND POWERS.—The Manager at each  
2 airport shall—

3           “(1) oversee the screening of passengers and  
4 property at the airport; and

5           “(2) carry out other duties prescribed by the  
6 Under Secretary.”.

7 **SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.**

8       “(a) IN GENERAL.—As soon as possible after the date  
9 of enactment of this Act, the Administrator of the Federal  
10 Aviation Administration shall—

11           (1) issue an order (without regard to the provi-  
12 sions of chapter 5 of title 5, United States Code)—

13               (A) prohibiting access to the flight deck of  
14 aircraft engaged in passenger air transportation  
15 or intrastate air transportation that are re-  
16 quired to have a door between the passenger  
17 and pilot compartments under title 14, Code of  
18 Federal Regulations, except to authorized per-  
19 sons;

20               (B) requiring the strengthening of the  
21 flight deck door and locks on any such aircraft  
22 operating in air transportation or intrastate air  
23 transportation that has a rigid door in a bulk-  
24 head between the flight deck and the passenger

1 area to ensure that the door cannot be forced  
2 open from the passenger compartment;

3 (C) requiring that such flight deck doors  
4 remain locked while any such aircraft is in  
5 flight except when necessary to permit access  
6 and egress by authorized persons; and

7 (D) prohibiting the possession of a key to  
8 any such flight deck door by any member of the  
9 flight crew who is not assigned to the flight  
10 deck; and

11 (2) take such other action, including modifica-  
12 tion of safety and security procedures and flight  
13 deck redesign, as may be necessary to ensure the  
14 safety and security of the aircraft.

15 (b) IMPLEMENTATION OF OTHER METHODS.—As  
16 soon as possible after such date of enactment, the Admin-  
17 istrator of the Federal Aviation Administration may de-  
18 velop and implement methods—

19 (1) to use video monitors or other devices to  
20 alert pilots in the flight deck to activity in the cabin,  
21 except that the use of such monitors or devices shall  
22 be subject to nondisclosure requirements applicable  
23 to cockpit video recordings under section 1114(c);

24 (2) to ensure continuous operation of an air-  
25 craft transponder in the event of an emergency; and

1           (3) to revise the procedures by which cabin  
2       crews of aircraft can notify flight deck crews of se-  
3       curity breaches and other emergencies, including  
4       providing for the installation of switches or other de-  
5       vices or methods in an aircraft cabin to enable flight  
6       crews to discreetly notify the pilots in the case of a  
7       security breach occurring in the cabin.

8       (c) COMMUTER AIRCRAFT.—The Administrator shall  
9       investigate means of securing the flight deck of scheduled  
10      passenger aircraft operating in air transportation or intra-  
11      state air transportation that do not have a rigid fixed door  
12      with a lock between the passenger compartment and the  
13      flight deck and issue such an order as the Administrator  
14      deems appropriate to ensure the inaccessibility, to the  
15      greatest extent feasible, of the flight deck while the air-  
16      craft is so operating, taking into consideration such air-  
17      craft operating in regions where there is minimal threat  
18      to aviation security or national security.

19   **SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.**

20       (a) IN GENERAL.—Subchapter I of chapter 449 of  
21      title 49, United States Code, is amended by adding at the  
22      end the following:

1   **“§ 44917. Deployment of Federal air marshals**

2       “(a) IN GENERAL.—The Under Secretary of Trans-  
3 portation for Security under the authority provided by sec-  
4 tion 44903(d)—

5           “(1) may provide for deployment of Federal air  
6 marshals on every passenger flight of air carriers in  
7 air transportation or intrastate air transportation;

8           “(2) shall provide for deployment of Federal air  
9 marshals on every such flight determined by the Sec-  
10 retary to present high security risks;

11          “(3) shall provide for appropriate training, su-  
12 pervision, and equipment of Federal air marshals;

13          “(4) shall require air carriers providing flights  
14 described in paragraph (1) to provide seating for a  
15 Federal air marshal on any such flight without re-  
16 gard to the availability of seats on the flight and at  
17 no cost to the United States Government or the  
18 marshal;

19          “(5) may require air carriers to provide, on a  
20 space-available basis, to an off-duty Federal air mar-  
21 shal a seat on a flight to the airport nearest the  
22 marshal's home at no cost to the marshal or the  
23 United States Government if the marshal is trav-  
24 eling to that airport after completing his or her se-  
25 curity duties;



1           “(6) may enter into agreements with Federal,  
2           State, and local agencies under which appropriately-  
3           trained law enforcement personnel from such agen-  
4           cies, when traveling on a flight of an air carrier, will  
5           carry a firearm and be prepared to assist Federal  
6           air marshals;

7           “(7) shall establish procedures to ensure that  
8           Federal air marshals are made aware of any armed  
9           or unarmed law enforcement personnel on board an  
10          aircraft; and

11          “(8) may appoint—

12               “(A) an individual who is a retired law en-  
13               forcement officer;

14               “(B) an individual who is a retired mem-  
15               ber of the Armed Forces; and

16               “(C) an individual who has been fur-  
17               loughed from an air carrier crew position in the  
18               1-year period beginning on September 11,  
19               2001,

20          as a Federal air marshal, regardless of age, if the  
21          individual otherwise meets the background and fit-  
22          ness qualifications required for Federal air marshals

23          “(b) LONG DISTANCE FLIGHTS.—In making the de-  
24          termination under subsection (a)(2), nonstop, long dis-

1 tance flights, such as those targeted on September 11,  
2 2001, should be a priority.

3       “(c) INTERIM MEASURES.—Until the Under Sec-  
4 retary completes implementation of subsection (a), the  
5 Under Secretary may use, after consultation with and con-  
6 currence of the heads of other Federal agencies and de-  
7 partments, personnel from those agencies and depart-  
8 ments, on a nonreimbursable basis, to provide air marshal  
9 service.”.

10       (b) CONFORMING AMENDMENT.—The analysis for  
11 chapter 449 of such title is amended by adding after the  
12 item relating to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

13       (c) BASIC PAY DEFINED.—Section 8331(3)(E) of  
14 title 5, United States Code, is amended to read as follows:

15               “(E) availability pay—

16                       “(i) received by a criminal investigator  
17                       under section 5545a of this title; or

18                       “(ii) received after September 11,  
19                       2001, by a Federal air marshal of the De-  
20                       partment of Transportation, subject to all  
21                       restrictions and earning limitations im-  
22                       posed on criminal investigators under sec-  
23                       tion 5545a;”.

1 SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECU-  
2 RITY.

3 (a) IN GENERAL.—Section 44903 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “(h) IMPROVED AIRPORT PERIMETER ACCESS SECU-  
7 RITY.—

8 “(1) IN GENERAL.—The Under Secretary, in  
9 consultation with the airport operator and law en-  
10 forcement authorities, may order the deployment of  
11 such personnel at any secure area of the airport as  
12 necessary to counter the risk of criminal violence,  
13 the risk of aircraft piracy at the airport, the risk to  
14 air carrier aircraft operations at the airport, or to  
15 meet national security concerns.

16 “(2) SECURITY OF AIRCRAFT AND GROUND AC-  
17 CESS TO SECURE AREAS.—In determining where to  
18 deploy such personnel, the Under Secretary shall  
19 consider the physical security needs of air traffic  
20 control facilities, parked aircraft, aircraft servicing  
21 equipment, aircraft supplies (including fuel), auto-  
22 mobile parking facilities within airport perimeters or  
23 adjacent to secured facilities, and access and transi-  
24 tion areas at airports served by other means of  
25 ground or water transportation.

1           “(3) DEPLOYMENT OF FEDERAL LAW EN-  
2       FORCEMENT PERSONNEL.—The Secretary may enter  
3       into a memorandum of understanding or other  
4       agreement with the Attorney General or the head of  
5       any other appropriate Federal law enforcement  
6       agency to deploy Federal law enforcement personnel  
7       at an airport in order to meet aviation safety and se-  
8       curity concerns.

9           “(4) AIRPORT PERIMETER SCREENING.—The  
10      Under Secretary—

11           “(A) shall require, as soon as practicable  
12           after the date of enactment of this subsection,  
13           screening or inspection of all individuals, goods,  
14           property, vehicles, and other equipment before  
15           entry into a secured area of an airport in the  
16           United States described in section 44903(c);

17           “(B) shall prescribe specific requirements  
18           for such screening and inspection that will as-  
19           sure at least the same level of protection as will  
20           result from screening of passengers and their  
21           baggage;

22           “(C) shall establish procedures to ensure  
23           the safety and integrity of—

24           “(i) all persons providing services with  
25           respect to aircraft providing passenger air

1 transportation or intrastate air transpor-  
2 tation and facilities of such persons at an  
3 airport in the United States described in  
4 section 44903(c);

5 “(ii) all supplies, including catering  
6 and passenger amenities, placed aboard  
7 such aircraft, including the sealing of sup-  
8 plies to ensure easy visual detection of  
9 tampering; and

10 “(iii) all persons providing such sup-  
11 plies and facilities of such persons;

12 “(D) shall require vendors having direct  
13 access to the airfield and aircraft to develop se-  
14 curity programs; and

15 “(E) may provide for the use of biometric  
16 or other technology that positively verifies the  
17 identity of each employee and law enforcement  
18 officer who enters a secure area of an airport.”.

19 (b) SMALL AND MEDIUM AIRPORTS.—

20 (1) TECHNICAL SUPPORT AND FINANCIAL AS-  
21 SISTANCE.—The Under Secretary of Transportation  
22 for Security shall develop a plan to—

23 (A) provide technical support to airports,  
24 each of which had less than 1 percent of the  
25 total annual boardings in the United States for

*employees*

1 the most recent calendar year for which data is  
2 available, to enhance security operations; and

3 (B) provide financial assistance to those  
4 airports to defray the costs of enhancing secu-  
5 rity.

6 (2) REMOVAL OF CERTAIN RESTRICTIONS.—

7 (A) CERTIFICATION BY OPERATOR.—If the  
8 operator of an airport described in paragraph  
9 (1), after consultation with the appropriate  
10 State and local law enforcement authorities, de-  
11 termines that safeguards are in place to suffi-  
12 ciently protect public safety, and so certifies in  
13 writing to the Under Secretary, then any secu-  
14 rity rule, order, or other directive restricting the  
15 parking of passenger vehicles shall not apply at  
16 that airport after the applicable time period  
17 specified in subparagraph (B), unless the Under  
18 Secretary, taking into account individual airport  
19 circumstances, notifies the airport operator that  
20 the safeguards in place do not adequately re-  
21 spond to specific security risks and that the re-  
22 striction must be continued in order to ensure  
23 public safety.

24 (B) COUNTERMAND PERIOD.—The time  
25 period within which the Secretary may notify an

1 airport operator, after receiving a certification  
2 under subparagraph (A), that a restriction  
3 must be continued in order to ensure public  
4 safety at the airport is—

5 (i) 15 days for a nonhub airport (as  
6 defined in section 41714(h) of title 49,  
7 United States Code);

8 (ii) 30 days for a small hub airport  
9 (as defined in such section);

10 (iii) 60 days for a medium hub airport  
11 (as defined in such section); and

12 (iv) 120 days for an airport that had  
13 at least 1 percent of the total annual  
14 ~~boardings~~ in the United States for the  
15 most recent calendar year for which data is  
16 available.

17 (c) IMPROVEMENT OF SECURED-AREA ACCESS CON-  
18 TROL.—Section 44903(g)(2) of title 49, United States  
19 Code, is amended—

20 (1) by striking “weaknesses by January 31,  
21 2001;” in subparagraph (A) and inserting “weak-  
22 nesses;”;

23 (2) by striking subparagraph (D) and inserting  
24 the following:

1           “(D) on an ongoing basis, assess and test  
2           for compliance with access control require-  
3           ments, report annually findings of the assess-  
4           ments, and assess the effectiveness of penalties  
5           in ensuring compliance with security procedures  
6           and take any other appropriate enforcement ac-  
7           tions when noncompliance is found;”;

8           (3) by striking “program by January 31,  
9           2001;” in subparagraph (F) and inserting “pro-  
10          gram;”; and

11          (4) by striking subparagraph (G) and inserting  
12          the following:

13               “(G) work with airport operators to  
14               strengthen access control points in secured  
15               areas (including air traffic control operations  
16               areas, maintenance areas, crew lounges, bag-  
17               gage handling areas, concessions, and catering  
18               delivery areas) to ensure the security of pas-  
19               sengers and aircraft and consider the deploy-  
20               ment of biometric or similar technologies that  
21               identify individuals based on unique personal  
22               characteristics.”.

23          (d) AIRPORT SECURITY PILOT PROGRAM.—Section  
24          44903(c) of title 49, United States Code, is amended by  
25          adding at the end the following:



1           “(3) PILOT PROGRAMS.—The Administrator  
2       shall establish pilot programs in no fewer than 20  
3       airports to test and evaluate new and emerging tech-  
4       nology for providing access control and other secu-  
5       rity protections for closed or secure areas of the air-  
6       ports. Such technology may include biometric or  
7       other technology that ensures only authorized access  
8       to secure areas.”.

9       (e) AIRPORT SECURITY AWARENESS PROGRAMS.—  
10   The Under Secretary of Transportation for Security shall  
11   require scheduled passenger air carriers, and airports in  
12   the United States described in section 44903(c) to develop  
13   security awareness programs for airport employees,  
14   ground crews, gate, ticket, and curbside agents of the air  
15   carriers, and other individuals employed at such airports.  
16   **SEC. 107. CREW TRAINING.**

17       (a) IN GENERAL.—Subchapter I of chapter 449 of  
18   title 49, United States Code, is amended by adding at the  
19   end the following:

20   **“§ 44918. Crew training**

21       “(a) IN GENERAL.—Not later than 60 days after the  
22   date of enactment of the Aviation and Transportation Se-  
23   curity Act, the Administrator of the Federal Aviation Ad-  
24   ministration, in consultation with the Under Secretary of  
25   Transportation for Security, appropriate law enforcement,

1 security, and terrorism experts, representatives of air car-  
2 riers and labor organizations representing individuals em-  
3 ployed in commercial aviation, shall develop detailed guid-  
4 ance for a scheduled passenger air carrier flight and cabin  
5 crew training program to prepare crew members for poten-  
6 tial threat conditions.

7 “(b) PROGRAM ELEMENTS.—The guidance shall re-  
8 quire such a program to include, at a minimum, elements  
9 that address the following:

10 “(1) Determination of the seriousness of any  
11 occurrence.

12 “(2) Crew communication and coordination.

13 “(3) Appropriate responses to defend oneself.

14 “(4) Use of protective devices assigned to crew  
15 members (to the extent such devices are required by  
16 the Administrator or Under Secretary).

17 “(5) Psychology of terrorists to cope with hi-  
18 jacker behavior and passenger responses.

19 “(6) Live situational training exercises regard-  
20 ing various threat conditions.

21 “(7) Flight deck procedures or aircraft maneu-  
22 vers to defend the aircraft.

23 “(8) Any other subject matter deemed appro-  
24 priate by the Administrator.

1       “(c) AIR CARRIER PROGRAMS.—Within 60 days after  
2 the Administrator issues the guidance under subsection  
3 (a) in final form, each air carrier shall develop a flight  
4 and cabin crew training program in accordance with that  
5 guidance and submit it to the Administrator for approval.  
6 Within 30 days after receiving an air carrier’s program  
7 under this subsection, the Administrator shall review the  
8 program and approve it or require the air carrier to make  
9 any revisions deemed necessary by the Administrator for  
10 the program to meet the guidance requirements.

11       “(d) TRAINING.—Within 180 days after the Adminis-  
12 trator approves the training program developed by an air  
13 carrier under this section, the air carrier shall complete  
14 the training of all flight and cabin crews in accordance  
15 with that program.

16       “(e) UPDATES.—The Administrator shall update the  
17 training guidance issued under subsection (a) from time  
18 to time to reflect new or different security threats and re-  
19 quire air carriers to revise their programs accordingly and  
20 provide additional training to their flight and cabin  
21 crews.”.

22       (b) CONFORMING AMENDMENT.—The chapter anal-  
23 ysis for chapter 449 of title 49, United States Code, is  
24 amended by inserting after the item relating to section  
25 44920 the following:

“44918. Crew training.”.

1 SEC. 108. SECURITY SCREENING BY PRIVATE COMPANIES.

2 (a) IN GENERAL.—Subchapter I of chapter 449 of  
3 title 49, United States Code, is amended by adding at the  
4 end the following:

5 “§ 44919. Security screening pilot program

6 “(a) ESTABLISHMENT OF PROGRAM.—The Under  
7 Secretary shall establish a pilot program under which,  
8 upon approval of an application submitted by an operator  
9 of an airport, the screening of passengers and property  
10 at the airport under section 44901 will be carried out by  
11 the screening personnel of a qualified private screening  
12 company under a contract entered into with the Under  
13 Secretary.

14 “(b) PERIOD OF PILOT PROGRAM.—The pilot pro-  
15 gram under this section shall begin on the last day of the  
16 1-year period beginning on the date of enactment of this  
17 section and end on the last day of the 3-year period begin-  
18 ning on such date of enactment.

19 “(c) APPLICATIONS.—An operator of an airport may  
20 submit to the Under Secretary an application to partici-  
21 pate in the pilot program under this section.

22 “(d) SELECTION OF AIRPORTS.—From among appli-  
23 cations submitted under subsection (c), the Under Sec-  
24 retary may select for participation in the pilot program  
25 not more than 1 airport from each of the 5 airport security  
26 risk categories, as defined by the Under Secretary.

1       “(e) SUPERVISION OF SCREENED PERSONNEL.—The  
2 Under Secretary shall provide Federal Government super-  
3 visors to oversee all screening at each airport participating  
4 in the pilot program under this section and provide Fed-  
5 eral Government law enforcement officers at the airport.

*pursuant  
to this  
chapter*

6       “(f) QUALIFIED PRIVATE SCREENING COMPANY.—A  
7 private screening company is qualified to provide screening  
8 services at an airport participating in the pilot program  
9 under this section if the company will only employ individ-  
10 uals to provide such services who meet all the require-  
11 ments of this chapter applicable to Federal Government  
12 personnel who perform screening services at airports  
13 under this chapter and will provide compensation and  
14 other benefits to such individuals that are not less than  
15 the level of compensation and other benefits provided to  
16 such Federal Government personnel in accordance with  
17 this chapter.

18       “(g) STANDARDS FOR PRIVATE SCREENING COMPA-  
19 NIES.—The Under Secretary may enter into a contract  
20 with a private screening company to provide screening at  
21 an airport participating in the pilot program under this  
22 section only if the Under Secretary determines and cer-  
23 tifies to Congress that the private screening company is  
24 owned and controlled by a citizen of the United States,  
25 to the extent that the ~~President~~ determines that there are

*Under  
Secretary*

1 private screening companies owned and controlled by such  
2 citizens.

3       “(h) TERMINATION OF CONTRACTS.—The Under  
4 Secretary may terminate any contract entered into with  
5 a private screening company to provide screening services  
6 at an airport under the pilot program if the Under Sec-  
7 retary finds that the company has failed repeatedly to  
8 comply with any standard, regulation, directive, order,  
9 law, or contract applicable to the hiring or training of per-  
10 sonnel to provide such services or to the provision of  
11 screening at the airport.

12       “(i) ELECTION.—If a contract is in effect with re-  
13 spect to screening at an airport under the pilot program  
14 on the last day of the 3-year period beginning on the date  
15 of enactment of this section, the operator of the airport  
16 may elect to continue to have such screening carried out  
17 by the screening personnel of a qualified private screening  
18 company under a contract entered into with the Under  
19 Secretary under section 44920 or by Federal Government  
20 personnel in accordance with this chapter.

21 **“§ 44920. Security screening opt-out program**

22       “(a) IN GENERAL.—On or after the last day of the  
23 2-year period beginning on the date on which the Under  
24 Secretary transmits to Congress the certification required  
25 by section ~~101(g)(2)(B)~~ of the Aviation and Transpor-

*110(c)*

1   tation Security Act, an operator of an airport may submit  
2   to the Under Secretary an application to have the screen-  
3   ing of passengers and property at the airport under sec-  
4   tion 44901 to be carried out by the screening personnel  
5   of a qualified private screening company under a contract  
6   entered into with the Under Secretary.

7       “(b) APPROVAL OF APPLICATIONS.—The Under Sec-  
8   retary may approve any application submitted under sub-  
9   section (a).

10       “(c) QUALIFIED PRIVATE SCREENING COMPANY.—  
11   A private screening company is qualified to provide screen-  
12   ing services at an airport under this section if the company  
13   will only employ individuals to provide such services who  
14   meet all the requirements of this chapter applicable to  
15   Federal Government personnel who perform screening  
16   services at airports under this chapter and will provide  
17   compensation and other benefits to such individuals that  
18   are not less than the level of compensation and other bene-  
19   fits provided to such Federal Government personnel in ac-  
20   cordance with this chapter.

21       “(d) STANDARDS FOR PRIVATE SCREENING COMPA-  
22   NIES.—The Under Secretary may enter into a contract  
23   with a private screening company to provide screening at  
24   an airport under this section only if the Under Secretary  
25   determines and certifies to Congress that—

1           “(1) the level of screening services and protec-  
2           tion provided at the airport under the contract will  
3           be equal to or greater than the level that would be  
4           provided at the airport by Federal Government per-  
5           sonnel under this chapter; and

6           “(2) the private screening company is owned  
7           and controlled by a citizen of the United States, to  
8           the extent that the ~~President~~ determines that there  
9           are private screening companies owned and con-  
10          trolled by such citizens.

11          “(e) SUPERVISION OF SCREENED PERSONNEL.—The  
12          Under Secretary shall provide Federal Government super-  
13          visors to oversee all screening at each airport at which  
14          screening services are provided under this section and pro-  
15          vide Federal Government law enforcement officers at the  
16          airport.

17          “(g) TERMINATION OF CONTRACTS.—The Under  
18          Secretary may terminate any contract entered into with  
19          a private screening company to provide screening services  
20          at an airport under this section the pilot program if the  
21          Under Secretary finds that the company has failed repeat-  
22          edly to comply with any standard, regulation, directive,  
23          order, law, or contract applicable to the hiring or training  
24          of personnel to provide such services or to the provision  
25          of screening at the airport.

Under  
Secretary

ph. suant  
to  
this  
chapter



1 (b) CLERICAL AMENDMENT.—The analysis for such  
2 subchapter is amended by adding ~~at the end~~ the following:

"44919. Security screening pilot program.

"44920. Security screening opt-out program."

3 **SEC. 109. ENHANCED SECURITY MEASURES.**

4 (a) IN GENERAL.—The Under Secretary of Trans-  
5 portation for Security may take the following actions:

6 (1) Require effective 911 emergency call capa-  
7 bility for telephones serving passenger aircraft and  
8 passenger trains.

9 (2) Establish a uniform system of identification  
10 for all State and local law enforcement personnel for  
11 use in obtaining permission to carry weapons in air-  
12 craft cabins and in obtaining access to a secured  
13 area of an airport, if otherwise authorized to carry  
14 such weapons.

15 (3) Establish requirements to implement trust-  
16 ed passenger programs and use available tech-  
17 nologies to expedite the security screening of pas-  
18 sengers who participate in such programs, thereby  
19 allowing security screening personnel to focus on  
20 those passengers who should be subject to more ex-  
21 tensive screening.

22 (4) In consultation with the Commissioner of  
23 the Food and Drug Administration, develop alter-  
24 native security procedures under which a medical

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relating  
to  
section  
44918

1 product to be transported on a flight of an air car-  
2 rier would not be subject to an inspection that would  
3 irreversibly damage the product.

4 (5) Provide for the use of technologies, includ-  
5 ing wireless and wire line data technologies, to en-  
6 able the private and secure communication of  
7 threats to aid in the screening of passengers and  
8 other individuals on airport property who are identi-  
9 fied on any State or Federal security-related data  
10 base for the purpose of having an integrated re-  
11 sponse coordination of various authorized airport se-  
12 curity forces.

13 (6) In consultation with the Administrator of  
14 the Federal Aviation Administration, consider  
15 whether to require all pilot licenses to incorporate a  
16 photograph of the license holder and appropriate bi-  
17 ometric imprints.

18 (7) Provide for the use of voice stress analysis,  
19 biometric, or other technologies to prevent a person  
20 who might pose a danger to air safety or security  
21 from boarding the aircraft of an air carrier or for-  
22 eign air carrier in air transportation or intrastate air  
23 transportation.

24 (8) Provide for the use of technology that will  
25 permit enhanced instant communications and infor-

1       mation between airborne passenger aircraft and ap-  
2       propriate individuals or facilities on the ground.

3       (b) REPORT.—Not later than 6 months after the date  
4 of enactment of this Act, and annually thereafter until the  
5 Under Secretary has implemented or decided not to take  
6 each of the actions specified in subsection (a), the Under  
7 Secretary shall transmit to Congress a report on the  
8 progress of the Under Secretary in evaluating and taking  
9 such actions, including any legislative recommendations  
10 that the Under Secretary may have for enhancing trans-  
11 portation security.”.

12 **SEC. 110. SCREENING.**

13       (a) REVIEW AND DEVELOPMENT OF WAYS TO  
14 STRENGTHEN SECURITY.—Section 44932(c) of title 49,  
15 United States Code, is amended—

16               (1) by striking “x-ray” in paragraph (4);

17               (2) by striking “and” at the end of paragraph  
18       (4);

19               (3) by striking “passengers.” in paragraph (5)  
20       and inserting “passengers;”; and

21               (4) by adding at the end the following:

22               “(6) to strengthen and enhance the ability to  
23       detect or neutralize nonexplosive weapons, such as  
24       biological, chemical, or similar substances; and

1           “(7) to evaluate such additional measures as  
2       may be appropriate to enhance inspection of pas-  
3       sengers, baggage, and cargo.”.

4       (b) PASSENGERS AND PROPERTY.—Section 44901 of  
5       title 49, United States Code, is amended—

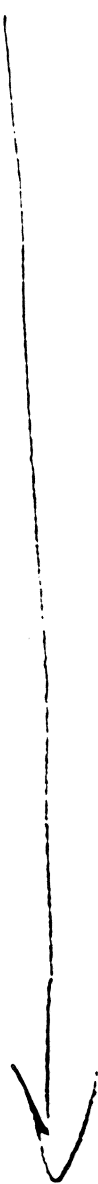
6           (1) by redesignating subsection (c) as sub-  
h } section (g); and

8           (2) by striking subsections (a) and (b) and in-  
9       serting the following:

10       “(a) IN GENERAL.—The Under Secretary of Trans-  
11       portation for Security shall provide for the screening of  
12       all passengers and property, including United States mail,  
13       cargo, carry-on and checked baggage, and other articles,  
14       that will be carried aboard a passenger aircraft operated  
15       by an air carrier or foreign air carrier in air transportation  
16       or intrastate air transportation. In the case of flights and  
17       flight segments originating in the United States, the  
18       screening shall take place before boarding and shall be  
19       carried out by a Federal Government employee (as defined  
20       in section 2105 of title 5, United States Code), except as  
21       otherwise provided in section 44919 or 44920, and except  
22       for identifying passengers and baggage for screening  
23       under the CAPPS and known shipper programs and con-  
24       ducting positive bag-match programs.

1       “(b) SUPERVISION OF SCREENING.—All screening of  
2 passengers and property at airports in the United States  
3 ~~described in section 44902(e)~~ shall be supervised by uni-  
4 formed Federal personnel of the Transportation Security  
5 Administration who shall have the power to order the dis-  
6 missal of any individual performing such screening.

where  
screening  
is  
required  
under  
this



1 that will be carried aboard a passenger aircraft operated  
2 by an air carrier or foreign air carrier in air transportation  
3 or intrastate air transportation. In the case of flights and  
4 flight segments originating in the United States, the  
5 screening shall take place before boarding and shall be  
6 carried out by a Federal Government employee (as defined  
7 in section 2105 of title 5, United States Code), except as  
8 otherwise provided in this section [or section 44919].

c) 9 "(b) CHECKED BAGGAGE.—A system must be in op-  
10 eration to screen all checked baggage at all airports in  
11 the United States as soon as practicable but not later than  
12 the 60th day following the date of enactment of the Avia-  
13 tion and Transportation Security Act.

14 1) "(c) EXPLOSIVE DETECTION SYSTEMS.—

15 "(1) IN GENERAL.—The Under Secretary of  
16 Transportation for Security shall take all necessary  
17 action to ensure that—

18 "(A) explosive detection systems are de-  
19 ployed, as soon as practicable but not later than  
20 December 31, 2002, at all airports in the  
21 United States [providing regularly scheduled  
22 passenger air service];

23 "(B) all systems deployed under subpara-  
24 graph (A) are fully utilized; and

(Insert  
A  
Amended)

**Insert A to Page 49**

1           “(A) explosive detection systems are de-  
2           ployed as soon as possible to ensure that all  
3           United States airports described in section  
4           44903(c) have sufficient explosive detection sys-  
5           tems to screen all checked baggage no later  
6           than December 31, 2002, and that as soon as  
7           such systems are in place at an airport, all  
8           checked baggage at the airport is screened by  
9           those systems; and



1                   “(C) the number of systems to be deployed  
2                   under subparagraph (A) shall be the number of  
3                   such systems that is necessary to screen all  
4                   checked baggage.

*Insert  
Attached*

5                   e) “(d) MANDATORY SCREENING WHERE EDS NOT  
6                   YET AVAILABLE.—~~After~~ the 60th day following the date  
7                   of enactment of the Aviation and Transportation Security  
8                   Act and until the requirements of subsection (b)(1)(A) are  
9                   met, the Under Secretary shall require alternative means  
10                  for screening any piece of checked baggage that is not  
11                  screened by an explosive detection system. Such alter-  
12                  native means may include 1 or more of the following:

*As soon  
as practi-  
cable but  
not later  
than*

13                  “(1) A bag-match program that ensures that no  
14                  checked baggage is placed aboard an aircraft unless  
15                  the passenger who checked the baggage is aboard  
16                  the aircraft.

17                  “(2) Manual search.

18                  “(3) Search by canine explosive detection units.

19                  “(4) Other means or technology approved by  
20                  the Under Secretary.

*in combination  
w. 21  
other  
means*

21                  “(e) CARGO DEADLINE.—A system must be in oper-  
22                  ation to screen, inspect, or otherwise ensure the security  
23                  of all cargo that is to be transported in all-cargo aircraft  
24                  in air transportation and intrastate air transportation as



p. 43

1. P. 50  
insert 1, 1, 2

"(C) if explosive detection equipment at airport is unavailable, all checked baggage ~~will be~~ is screened by an alternative means.

U.S. HOUSE OF REPRESENTATIVES  
OFFICE OF THE LEGISLATIVE COUNSEL

1 soon as practicable after the date of enactment of the  
2 Aviation and Transportation Security Act.

9 ) 3 “(f) DEPLOYMENT OF ARMED PERSONNEL.—

4           “(1) IN GENERAL.—The Under Secretary shall  
5 order the deployment of law enforcement personnel  
6 authorized to carry firearms at each airport security  
7 screening location to ensure passenger safety and  
8 national security.

9           “(2) MINIMUM REQUIREMENTS.—Except at air-  
10 ports required to enter into agreements under sub-  
11 section (c), the Under Secretary shall order the de-  
12 ployment of at least 1 law enforcement officer at  
13 each airport security screening location. At the 100  
14 largest airports in the United States, in terms of an-  
15 nual passenger enplanements for the most recent  
16 calendar year for which data are available, the  
17 Under Secretary shall order the deployment of addi-  
18 tional law enforcement personnel at airport security  
19 screening locations if the Under Secretary deter-  
20 mines that the additional deployment is necessary to  
21 ensure passenger safety and national security.”.

22 (g) REPORTS.—

23 *dt*           “(1) DEPLOYMENT.—Within 6 months after the  
24 date of enactment of this Act, the Under Secretary  
25 of Transportation for Security shall report to the

*Insec  
CCH a38  
Attached*

## INSERT TO PAGE 51

1 (c) DEADLINE FOR DEPLOYMENT OF FEDERAL  
2 SCREENERS.—

3 (1) IN GENERAL.—Not later than 1 year after  
4 the date of enactment of this Act, the Under Sec-  
5 retary of Transportation for Security shall deploy at  
6 all airports in the United States where screening is  
7 required under section 44901 of title 49, United  
8 States Code, a sufficient number of Federal screen-  
9 ers, Federal Security Managers, Federal security  
10 personnel, and Federal law enforcement officers to  
11 conduct the screening of all passengers and property  
12 under section 44901 of such title at such airports.

13 (2) CERTIFICATION TO CONGRESS.—Not later  
14 than 1 year after the date of enactment of this Act,  
15 the Under Secretary shall transmit to Congress a  
16 certification that the requirement of paragraph (1)  
17 has been met.

1 Committee on Commerce, Science, and Transpor-  
2 tation of the Senate and to the Committee on Trans-  
3 portation and Infrastructure of the House of Rep-  
4 resentatives on the deployment of the systems re-  
5 quired by section 44901(c) of title 49, United States  
6 Code. The Under Secretary shall include in the  
7 report—

8 (A) an installation schedule;

9 (B) the dates of installation of each sys-  
10 tem; and

11 (C) the date on which each system in-  
12 stalled is operational.

13 (2) SCREENING OF SMALL AIRCRAFT.—Within  
14 1 year after the date of enactment of this Act, the  
15 Under Secretary of Transportation for Security shall  
16 transmit a report to the Committee on Commerce,  
17 Science, and Transportation of the Senate and Com-  
18 mittee on Transportation and Infrastructure of the  
19 House of Representatives on the screening require-  
20 ments applicable to passengers boarding, and prop-  
21 erty being carried aboard, aircraft with 60 seats or  
22 less used in scheduled passenger service with rec-  
23 ommendations for any necessary changes in those  
24 requirements.

111 ) 1 SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY  
2 SCREENING PERSONNEL.

3 (a) IN GENERAL.—Section 44935 of title 49, United  
4 States Code, is amended—

5 (1) by redesignating subsection (f) as sub-  
6 section (i); and

7 (2) by striking subsection (e) and inserting the  
8 following:

9 “(e) SECURITY SCREENERS.—

10 “(1) TRAINING PROGRAM.—The Under Sec-  
11 retary of Transportation for Security shall establish  
12 a program for the hiring and training of security  
13 screening personnel.

14 “(2) HIRING.—

15 “(A) QUALIFICATIONS.—Within 30 days  
16 after the date of enactment of the Aviation and  
17 Transportation Security Act, the Under Sec-  
18 retary shall establish qualification standards for  
19 individuals to be hired by the United States as  
20 security screening personnel. Notwithstanding  
21 any provision of law, those standards shall re-  
22 quire, at a minimum, an individual—

23 “(i) to have a satisfactory or better  
24 score on a Federal security screening per-  
25 sonnel selection examination;

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1                   “(ii) to be a citizen of the United  
2                   States;

3                   “(iii) to meet, at a minimum, the re-  
4                   quirements set forth in subsection (f);

5                   “(iv) to meet such other qualifications  
6                   as the Under Secretary may establish; and

7                   “(v) to have the ability to demonstrate  
8                   daily a fitness for duty without any impair-  
9                   ment due to illegal drugs, sleep depriva-  
10                  tion, medication, or alcohol.

11                  “(B) BACKGROUND CHECKS.—The Under  
12                  Secretary shall require that an individual to be  
13                  hired as a security screener undergo an employ-  
14                  ment investigation (including a criminal history  
15                  record check) under section 44936(a)(1).

16                  “(C) DISQUALIFICATION OF INDIVIDUALS  
17                  WHO PRESENT NATIONAL SECURITY RISKS.—  
18                  The Under Secretary, in consultation with the  
19                  heads of other appropriate Federal agencies,  
20                  shall establish procedures, in addition to any  
21                  background check conducted under section  
22                  44936, to ensure that no individual who pre-  
23                  sents a threat to national security is employed  
24                  as a security screener.

1           “(3) EXAMINATION; REVIEW OF EXISTING  
2 RULES.—The Under Secretary shall develop a secu-  
3 rity screening personnel examination for use in de-  
4 termining the qualification of individuals seeking  
5 employment as security screening personnel. The  
6 Under Secretary shall also review, and revise as nec-  
7 essary, any standard, rule, or regulation governing  
8 the employment of individuals as security screening  
9 personnel.

10       “(f) EMPLOYMENT STANDARDS FOR SCREENING  
11 PERSONNEL.—

12           “(1) SCREENER REQUIREMENTS.—Notwith-  
13 standing any provision of law, an individual may not  
14 be deployed as a security screener unless that indi-  
15 vidual meets the following requirements:

16               “(A) The individual shall possess a high  
17 school diploma, a general equivalency diploma,  
18 or experience that the Under Secretary has de-  
19 termined to be sufficient for the individual to  
20 perform the duties of the position.

21               “(B) The individual shall possess basic ap-  
22 titudes and physical abilities, including color  
23 perception, visual and aural acuity, physical co-  
24 ordination, and motor skills, to the following  
25 standards:

1           “(i) Screeners operating screening  
2           equipment shall be able to distinguish on  
3           the screening equipment monitor the ap-  
4           propriate imaging standard specified by  
5           the Under Secretary. ~~Wherever the screen-~~  
6           ~~ing equipment system displays colors, the~~  
7           ~~operator shall be able to perceive each~~  
8           ~~color.~~

9           “(ii) Screeners operating any screen-  
10          ing equipment shall be able to distinguish  
11          each color displayed on every type of  
12          screening equipment and explain what each  
13          color signifies.

14          “(iii) Screeners shall be able to hear  
15          and respond to the spoken voice and to au-  
16          dible alarms generated by screening equip-  
17          ment in an active checkpoint environment.

18          “(iv) Screeners performing physical  
19          searches or other related operations shall  
20          be able to efficiently and thoroughly ma-  
21          nipulate and handle such baggage, con-  
22          tainers, and other objects subject to secu-  
23          rity processing.

24          “(v) Screeners who perform pat-downs  
25          or hand-held metal detector searches of in-



1           dividuals shall have sufficient dexterity and  
2           capability to thoroughly conduct those pro-  
3           cedures over a individual's entire body.

4           “(C) The individual shall be able to read,  
5           speak, and write English well enough to—

6                   “(i) carry out written and oral in-  
7                   structions regarding the proper perform-  
8                   ance of screening duties;

9                   “(ii) read English language identifica-  
10                  tion media, credentials, airline tickets, and  
11                  labels on items normally encountered in  
12                  the screening process;

13                  “(iii) provide direction to and under-  
14                  stand and answer questions from English-  
15                  speaking individuals undergoing screening;  
16                  and

17                  “(iv) write incident reports and state-  
18                  ments and log entries into security records  
19                  in the English language.

20           “(D) The individual shall have satisfac-  
21           torily completed all initial, recurrent, and ap-  
22           propriate specialized training required by the  
23           security program, except as provided in para-  
24           graph (3).

1           “(2) VETERANS PREFERENCE.—The Under  
2 Secretary shall provide a preference for the hiring of  
3 an individual as a security screener if the individual  
4 is a member or former member of the armed forces  
5 and if the individual is entitled, under statute, to re-  
6 tired, retirement, or retainer pay on account of serv-  
7 ice as a member of the armed forces.

8           “(3) EXCEPTIONS.—An individual who has not  
9 completed the training required by this section may  
10 be deployed during the on-the-job portion of training  
11 to perform functions if that individual—

12               “(A) is closely supervised; and

13               “(B) does not make independent judg-  
14 ments as to whether individuals or property  
15 may enter a sterile area or aircraft without fur-  
16 ther inspection.

17           “(4) REMEDIAL TRAINING.—No individual em-  
18 ployed as a security screener may perform a screen-  
19 ing function after that individual has failed an oper-  
20 ational test related to that function until that indi-  
21 vidual has successfully completed the remedial train-  
22 ing specified in the security program.

23           “(5) ANNUAL PROFICIENCY REVIEW.—The  
24 Under Secretary shall provide that an annual eval-  
25 uation of each individual assigned screening duties is

1 conducted and documented. An individual employed  
2 as a security screener may not continue to be em-  
3 ployed in that capacity unless the evaluation dem-  
4 onstrates that the individual—

5 “(A) continues to meet all qualifications  
6 and standards required to perform a screening  
7 function;

8 “(B) has a satisfactory record of perform-  
9 ance and attention to duty based on the stand-  
10 ards and requirements in the security program;  
11 and

12 “(C) demonstrates the current knowledge  
13 and skills necessary to courteously, vigilantly,  
14 and effectively perform screening functions.

15 “(6) OPERATIONAL TESTING.—In addition to  
16 the annual proficiency review conducted under para-  
17 graph (5), the Under Secretary shall provide for the  
18 operational testing of such personnel.

19 “(g) TRAINING.—

20 “(1) USE OF OTHER AGENCIES.—The Under  
21 Secretary may enter into a memorandum of under-  
22 standing or other arrangement with any other Fed-  
23 eral agency or department with appropriate law en-  
24 forcement responsibilities, to provide personnel, re-

1 sources, or other forms of assistance in the training  
2 of security screening personnel.

3 “(2) TRAINING PLAN.—Within 60 days after  
4 the date of enactment of the Aviation and Transpor-  
5 tation Security Act, the Under Secretary shall de-  
6 velop a plan for the training of security screening  
7 personnel. The plan shall require, at a minimum,  
8 that a security screener—

9 “(A) has completed 40 hours of classroom  
10 instruction or successfully completed a program  
11 that the Under Secretary determines will train  
12 individuals to a level of proficiency equivalent to  
13 the level that would be achieved by such class-  
14 room instruction;

15 “(B) has completed 60 hours of on-the-job  
16 instruction; and

17 “(C) has successfully completed an on-the-  
18 job training examination prescribed by the  
19 Under Secretary.

20 “(3) EQUIPMENT-SPECIFIC TRAINING.—An in-  
21 dividual employed as a security screener may not use  
22 any security screening device or equipment in the  
23 scope of that individual’s employment unless the in-  
24 dividual has been trained on that device or equip-

1       ment and has successfully completed a test on the  
2       use of the device or equipment.

3       “(h) TECHNOLOGICAL TRAINING.—

4               “(1) IN GENERAL.—The Under Secretary shall  
5       require training to ensure that screeners are pro-  
6       ficient in using the most up-to-date new technology  
7       and to ensure their proficiency in recognizing new  
8       threats and weapons.

9               “(2) PERIODIC ASSESSMENTS.—The Under  
10       Secretary shall make periodic assessments to deter-  
11       mine if there are dual use items and inform security  
12       screening personnel of the existence of such items.

13               “(3) CURRENT LISTS OF DUAL USE ITEMS.—  
14       Current lists of dual use items shall be part of the  
15       ongoing training for screeners.

16               “(4) DUAL USE DEFINED.—For purposes of  
17       this subsection, the term ‘dual use’ item means an  
18       item that may seem harmless but that may be used  
19       as a weapon.

20               “(i) LIMITATION ON RIGHT TO STRIKE.—An indi-  
21       vidual that screens passengers or property, or both, at an  
22       airport under this section may not participate in a strike,  
23       or assert the right to strike, against the person (including  
24       a governmental entity) employing such individual to per-  
25       form such screening.

1       “(j) UNIFORMS.—The Under Secretary shall require  
2 any individual who screens passengers and property pur-  
3 suant to section 44901 to be attired while on duty in a  
4 uniform approved by the Under Secretary.”.

5       (b)       CONFORMING       AMENDMENTS.—Section  
6 44936(a)(1) of title 49, United States Code, is amended—

7               (1) in subparagraph (A) by inserting “as a se-  
8 curity screener under section 44935(e) or a posi-  
9 tion” after “a position”; and

10              (2) in subparagraph (E) by striking clause (iv).

11       (c) TRANSITION.—The Under Secretary of Trans-  
12 portation for Security shall complete the full implementa-  
13 tion of section 44935 (e), (f), (g), and (h) of title 49,  
14 United States Code, as amended by subsection (a), as soon  
15 as is practicable. The Under Secretary may make or con-  
16 tinue such arrangements for the training of security  
17 screeners under that section as the ~~Attorney General~~ de-  
18 termines necessary pending full implementation of that  
19 section as so amended.

20       (d) SCREENER PERSONNEL.—Notwithstanding any  
21 other provision of law, the Under Secretary of Transpor-  
22 tation for Security may employ, appoint, discipline, termi-  
23 nate, and fix the compensation, terms, and conditions of  
24 employment of Federal service for such a number of indi-  
25 viduals as the Under Secretary determines to be necessary

(Under  
Secretary)

1 to carry out the screening functions of the Under Sec-  
2 retary under section 44901 of title 49, United States  
3 Code. The Under Secretary shall establish levels of com-  
4 pensation and other benefits for individuals so employed.

5 ~~(e) FINAL RULES ESTABLISHING TRAINING STAND-~~  
6 ~~ARDS FOR SCREENERS.—Section 44935(e)(1) of title 49,~~  
7 ~~United States Code, is amended by striking “May 31,~~  
8 ~~2001” and inserting “6 months after the date of enact-~~  
9 ~~ment of the Airport and Transportation Security Act”~~

112 } 10 ~~SEC. 116. RESEARCH AND DEVELOPMENT.~~

11 ~~[(a) IN GENERAL.—Section 44912(b)(1) of title 49,~~  
12 ~~United States Code, is amended—~~

13 ~~[(1) by striking “complete an intensive review~~  
14 ~~of” and inserting “periodically review”;~~

15 ~~[(2) by striking “commercial aircraft in service~~  
16 ~~and expected to be in service in the 10-year period~~  
17 ~~beginning on November 16, 1990;” in subparagraph~~  
18 ~~(B) and inserting “aircraft in air transportation;”;~~  
19 ~~and~~

20 ~~[(3) by redesignating subparagraphs (D)~~  
21 ~~through (F) as subparagraphs (E) through (G), re-~~  
22 ~~spectively, and inserting after subparagraph (C) the~~  
23 ~~following:~~

1                   “(D) the potential release of chemical, bi-  
2                   ological, or similar weapons or devices either  
3                   within an aircraft or within an airport;”.

4                   “(b) ADDITIONAL MATTERS REGARDING RESEARCH  
5                   AND DEVELOPMENT.—

6                   “(1) ADDITIONAL PROGRAM REQUIREMENTS.—  
7                   Subsection (a) of section 44912 of title 49, United  
8                   States Code, is amended—

9                   “(A) by redesignating paragraph (4) as  
10                   paragraph (5); and

11                   “(B) by inserting after paragraph (3) the  
12                   following new paragraph (4):

13                   “(4)(A) In carrying out the program established  
14                   under this subsection, the Administrator shall designate  
15                   an individual to be responsible for engineering, research,  
16                   and development with respect to security technology under  
17                   the program.

18                   “(B) The individual designated under subparagraph  
19                   (A) shall use appropriate systems engineering and risk  
20                   management models in making decisions regarding the al-  
21                   location of funds for engineering, research, and develop-  
22                   ment with respect to security technology under the pro-  
23                   gram.

24                   “(C) The individual designated under subparagraph  
25                   (A) shall, on an annual basis, submit to the Research, En-



1 gineering and Development Advisory Committee a report  
2 on activities under this paragraph during the preceding  
3 year. Each report shall include, for the year covered by  
4 such report, information on—

5 ~~“(i) progress made in engineering, research,~~  
6 ~~and development with respect to security technology;~~

7 ~~“(ii) the allocation of funds for engineering,~~  
8 ~~research, and development with respect to security~~  
9 ~~technology; and~~

10 ~~“(iii) engineering, research, and development~~  
11 ~~with respect to any technologies drawn from other~~  
12 ~~agencies, including the rationale for engineering, re-~~  
13 ~~search, and development with respect to such tech-~~  
14 ~~nologies.”.~~

15 ~~“(2) REVIEW OF THREATS.—Subsection (b)(1)~~

16 ~~of that section is amended—~~ (to. the

17 ~~“(A) by redesignating subparagraphs (A)~~

18 ~~through (F) as subparagraphs (B) through (G),~~ (H

19 ~~respectively; and~~

20 ~~“(B) by inserting before subparagraph~~

21 ~~(B), as so redesignated, the following new sub-~~

22 ~~paragraph (A):~~

23 ~~“(A) a comprehensive systems analysis (em-~~

24 ~~ploying vulnerability analysis, threat attribute defini-~~

1 tion, and technology roadmaps) of the civil aviation  
2 system, including—

3 ~~“(i) the destruction, commandeering, or~~  
4 diversion of civil aircraft or the use of civil air-  
5 craft as a weapon; and

6 ~~“(ii) the disruption of civil aviation serv-~~  
7 ice, including by cyber attack;”.

8 ~~“(3) SCIENTIFIC ADVISORY PANEL.—Subsection~~  
9 (c) of that section is amended to read as follows:

10 ~~“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Ad-~~  
11 ministrator shall establish a scientific advisory panel, as  
12 a subcommittee of the Research, Engineering, and Devel-  
13 opment Advisory Committee, to review, comment on, ad-  
14 vise the progress of, and recommend modifications in, the  
15 program established under subsection (a) of this section,  
16 including the need for long-range research programs to de-  
17 tect and prevent catastrophic damage to commercial air-  
18 craft, commercial aviation facilities, commercial aviation  
19 personnel and passengers, and other components of the  
20 commercial aviation system by the next generation of ter-  
21 rorist weapons.

22 ~~“(2)(A) The advisory panel shall consist of individ-~~  
23 uals who have scientific and technical expertise in—

24 ~~“(i) the development and testing of effective~~  
25 explosive detection systems;

67  
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1       “(ii) aircraft structure and experimentation to  
2       decide on the type and minimum weights of explo-  
3       sives that an effective explosive detection technology  
4       must be capable of detecting;

5       “(iii) technologies involved in minimizing air-  
6       frame damage to aircraft from explosives; and

7       “(iv) other scientific and technical areas the  
8       Administrator considers appropriate.

9       “(B) In appointing individuals to the advisory panel,  
10      the Administrator should consider individuals from aca-  
11      demia and the national laboratories, as appropriate.

12      “(3) The Administrator shall organize the advisory  
13      panel into teams capable of undertaking the review of poli-  
14      cies and technologies upon request.

15      “(4) Not later than 90 days after the date of the  
16      enactment of the Aviation and Transportation Security  
17      Act, and every two years thereafter, the Administrator  
18      shall review the composition of the advisory panel in order  
19      to ensure that the expertise of the individuals on the panel  
20      is suited to the current and anticipated duties of the  
21      panel.”.

22      “(c) COORDINATION WITH ATTORNEY GENERAL.—  
23      Section 44912(b) of title 49, United States Code, is  
24      amended by adding at the end the following:

1 ["(3) Beginning on the date of enactment of the  
2 Aviation and Transportation Security Act, the Adminis-  
3 trator shall conduct all research related to screening tech-  
4 nology and procedures in conjunction with the Attorney  
5 General.".]

113 6 SEC. 141. FLIGHT SCHOOL SECURITY.

7 (a) IN GENERAL.—Chapter 449 of title 49, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new section:

10 "§ 44939. Training to operate certain aircraft

11 "(a) WAITING PERIOD.—A person subject to regula-  
12 tion under this part may provide training in the operation  
13 of any aircraft having a maximum [certificated] takeoff  
14 weight of 12,500 pounds or less to an alien (as defined  
15 in section 101(a)(3) of the Immigration and Nationality  
16 Act (8 U.S.C. 1101(a)(3))) or to any other individual  
17 specified by the Under Secretary of Transportation for Se-  
18 curity only if—

19 "(1) that person has first notified the Under  
20 Secretary [and the Attorney General] that the indi-  
21 vidual has requested such training and furnished the  
22 Under Secretary with that individual's identification  
23 in such form as the Under Secretary may require;  
24 and

Subchapter II  
OF

Attorney  
General

1           “(2) the Attorney General has not directed,  
2       within 45 days after being notified under paragraph  
3       (1), that person not to provide the requested train-  
4       ing because the Attorney General has determined  
5       that the individual presents a risk to aviation or na-  
6       tional security.

7       “(b) INTERRUPTION OF TRAINING.—If the Attorney  
8       General, more than 45 days after receiving notification  
9       under subsection (a) from a person providing training de-  
10      scribed in subsection (a), determines that the individual  
11      presents a risk to aviation or national security, the Attor-  
12      ney General shall immediately notify the person providing  
13      the training of the determination and that person shall  
14      immediately terminate the training.

15      “(c) COVERED TRAINING.—For the purposes of sub-  
16      section (a), training includes in-flight training, training in  
17      a simulator, and any other form or aspect of training.

18      “(d) SECURITY AWARENESS TRAINING FOR EMPLOY-  
19      EES.—The Under Secretary shall require flight schools to  
20      conduct a security awareness program for flight school  
21      employees to increase their awareness of suspicious cir-  
22      cumstances and activities of individuals enrolling in or at-  
23      tending flight school.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such chapter is amended by adding  
3 at the end the following new item:

“44939. Training to operate certain aircraft.”.

4 (c) INTERNATIONAL COOPERATION.—The Secretary  
5 of Transportation, in consultation with the Secretary of  
6 State, shall work with the International Civil Aviation Or-  
7 ganization and the civil aviation authorities of other coun-  
8 tries to improve international aviation security through  
9 screening programs for flight instruction candidates.

10 (d) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) applies to applications for training received  
12 after the date of enactment of this Act.

13 **SEC. 114. INCREASED PENALTIES FOR INTERFERENCE**  
14 **WITH SECURITY PERSONNEL.**

15 (a) IN GENERAL.—Chapter 465 of title 49, United  
16 States Code, is amended by inserting after section 46502  
17 the following:

18 **“§ 46503. Interference with security screening per-**  
19 **sonnel**

20 “An individual in an area within a commercial service  
21 airport in the United States who, by assaulting a Federal,  
22 airport, or air carrier employee who has security duties  
23 within the airport, interferes with the performance of the  
24 duties of the employee or lessens the ability of the em-  
25 ployee to perform those duties, shall be fined under title

1 18, imprisoned for not more than 10 years, or both. If  
2 the individual used a dangerous weapon in committing the  
3 assault or interference, the individual may be imprisoned  
4 for any term of years or life imprisonment.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-  
6 ysis for chapter 465 of such title is amended by inserting  
7 after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

11 7/ **8 SEC. 449. PASSENGER MANIFESTS.**

9 Section 44909 is amended by adding at the end the  
10 following:

11 “(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO  
12 THE UNITED STATES.—

13 “(1) IN GENERAL.—Not later than 60 days  
14 after the date of enactment of the Aviation and  
15 Transportation Security Act, each air carrier and  
16 foreign air carrier operating a passenger flight in  
17 foreign air transportation to the United States shall  
18 provide to the Commissioner of Customs by elec-  
19 tronic transmission a passenger and crew manifest  
20 containing the information specified in paragraph  
21 (2). Carriers may use the advanced passenger infor-  
22 mation system established under section 431 of the  
23 Tariff Act of 1930 (19 U.S.C. 1431) to provide the  
24 information required by the preceding sentence.

1           “(2) INFORMATION.—A passenger and crew  
2       manifest for a flight required under paragraph (1)  
3       shall contain the following information:

4           “(A) The full name of each passenger and  
5       crew member.

6           “(B) The date of birth and citizenship of  
7       each passenger and crew member.

8           “(C) The sex of each passenger and crew  
9       member.

10          “(D) The passport number and country of  
11       issuance of each passenger and crew member if  
12       required for travel.

13          “(E) The United States visa number or  
14       resident alien card number of each passenger  
15       and crew member, as applicable.

16          “(F) Such other information as the Under  
17       Secretary, in consultation with the Commis-  
18       sioner of Customs, determines is reasonably  
19       necessary to ensure aviation safety.

20          “(3) PASSENGER NAME RECORDS.—The car-  
21       riers shall make passenger name record information  
22       available to the Customs Service upon request.

23          “(4) TRANSMISSION OF MANIFEST.—Subject to  
24       paragraph (5), a passenger and crew manifest re-  
25       quired for a flight under paragraph (1) shall be



1 transmitted to the Customs Service in advance of  
2 the aircraft landing in the United States in such  
3 manner, time, and form as the Customs Service pre-  
4 scribes.

5 “(5) TRANSMISSION OF MANIFESTS TO OTHER  
6 FEDERAL AGENCIES.—Upon request, information  
7 provided to the Under Secretary or the Customs  
8 Service under this subsection may be shared with  
9 other Federal agencies for the purpose of protecting  
10 national security.”.

118) 11 **SEC. 118. AIR TRANSPORTATION ARRANGEMENTS IN CER-**  
12 **TAIN STATES.**

13 (a) IN GENERAL.—Notwithstanding any provision of  
14 section 41309(a) of title 49, United States Code, to the  
15 contrary, air carriers providing air transportation on  
16 flights which both originate and terminate at points within  
17 the same State may file an agreement, request, modifica-  
18 tion, or cancellation of an agreement within the scope of  
19 that section with the Secretary of Transportation upon a  
20 declaration by the Governor of the State that such agree-  
21 ment, request, modification, or cancellation is necessary  
22 to ensure the continuing availability of such air transpor-  
23 tation within that State.

24 (b) APPROVAL OF SECRETARY.—The Secretary may  
25 approve any such agreement, request, modification, or

1 cancellation and grant an exemption under section  
2 41308(c) of title 49, United States Code, to the extent  
3 necessary to effectuate such agreement, request, modifica-  
4 tion, or cancellation, without regard to the provisions of  
5 section 41309(b) or (c) of that title.

6 (c) PUBLIC INTEREST REQUIREMENT.—The Sec-  
7 retary may approve such an agreement, request, modifica-  
8 tion, or cancellation if the Secretary determines that—

9 (1) the State to which it relates has extraor-  
10 dinary air transportation needs and concerns; and

11 (2) approval is in the public interest.

12 (d) TERMINATION.—An approval under subsection  
13 (b) and an exemption under section 41308(c) of title 49,  
14 United States Code, granted under subsection (b) shall  
15 terminate on the earlier of the 2 following dates:

16 (1) A date established by the Secretary in the  
17 Secretary's discretion.

18 (2) October 1, 2002.

19 (e) EXTENSION.—Notwithstanding subsection (d), if  
20 the Secretary determines that it is in the public interest,  
21 the Secretary may extend the termination date under sub-  
22 section (d)(2) until a date no later than October 1, 2003.

23 (f) REPORTS.—If the Secretary approves any such  
24 agreement, request, modification, or cancellation under  
25 this section and grants an exemption, the Secretary shall

1 transmit a report to Committee on Commerce, Science,  
2 and Transportation of the Senate and the Committee on  
3 Transportation and Infrastructure of the House of Rep-  
4 resentatives within 6 months describing what actions have  
5 been taken by the air carriers to which the exemption was  
6 granted. The Secretary shall also notify those committees  
7 if the Secretary extends the termination date under sub-  
8 section (e).

115  
9 **SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.**

10 In order to ensure that all airline computer reserva-  
11 tion systems maintained by United States air carriers are  
12 secure from unauthorized access by persons seeking infor-  
13 mation on reservations, passenger manifests, or other non-  
14 public information, the Secretary of Transportation shall  
15 require all such air carriers to utilize to the maximum ex-  
16 tent practicable the best technology available to secure  
17 their computer reservation system against such unauthor-  
18 ized access.

19 **SEC. 118. SECURITY FUNDING.**

20 **[(a) USER FEE FOR SECURITY SERVICES.—**

21 **[(1) IN GENERAL.—**Chapter 481 of title 49,  
22 United States Code, is amended by adding at the  
23 end thereof the following:

Insert  
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Attached  
(8 pages)

## Insert to page 75

## 1 SEC. 116. SECURITY SERVICE FEE.

2 (a) IN GENERAL.—Subchapter II of chapter 449 is  
3 amended by adding at the end the following:

## 4 “§ 44940. Security service fee

5 “(a) GENERAL AUTHORITY.—

6 “(1) PASSENGER FEES.—The Under Secretary  
7 of Transportation for Security shall impose a uni-  
8 form fee, on passengers of air carriers and foreign  
9 air carriers in air transportation and intrastate air  
10 transportation originating at airports in the United  
11 States, to pay for the following costs of providing  
12 civil aviation security services:

13 “(A) Salary, benefits, overtime, retirement  
14 and other costs of screening personnel, their su-  
15 pervisors and managers, and Federal law en-  
16 forcement personnel deployed at airport security  
17 screening locations under section 44901.

18 “(B) The costs of training personnel de-  
19 scribed in subparagraph (A), and the acqui-  
20 sition, operation, and maintenance of equipment  
21 used by such personnel.

22 “(C) The costs of performing background  
23 investigations of personnel described in sub-  
24 paragraphs (A), (D), (F), and (G).

1           “(D) The costs of the Federal air marshals  
2           program.

3           “(E) The costs of performing civil aviation  
4           security research and development under this  
5           title.

6           “(F) The costs of Federal Security Man-  
7           agers under section 44903.

8           “(G) The costs of deploying Federal law  
9           enforcement personnel pursuant to section  
10          44903(h).

11          The amount of such costs shall be determined by the  
12          Under Secretary and shall not be subject to judicial  
13          review ~~and section 44903.~~

14          “(2) AIR CARRIER FEES.—

15                 “(A) AUTHORITY.—In addition to the fee  
16                 imposed pursuant to paragraph (1), and only to  
17                 the extent that the Under Secretary estimates  
18                 that such fee will be insufficient to pay for the  
19                 costs of providing civil aviation security services  
20                 described in paragraph (1), the Under Sec-  
21                 retary may impose a fee on air carriers and for-  
22                 eign air carriers engaged in air transportation  
23                 and intrastate air transportation to pay for the  
24                 difference between any such costs and the  
25                 amount collected from such fee, as estimated by

1 the Under Secretary at the beginning of each  
2 fiscal year. The estimates of the Under Sec-  
3 retary under this subparagraph are not subject  
4 to judicial review.

5 “(B) LIMITATIONS.—

6 “(i) OVERALL LIMIT.—The amounts  
7 of fees collected under this paragraph for  
8 each fiscal year may not exceed, in the ag-  
9 gregate, the amounts paid in calendar year  
10 2000 by carriers described in subpara-  
11 graph (A) for screening passengers and  
12 property, as determined by the Under Sec-  
13 retary.

14 “(ii) PER-CARRIER LIMIT.—The  
15 amount of fees collected under this para-  
16 graph from an air carrier described in sub-  
17 paragraph (A) for each of fiscal years  
18 2002, 2003, and 2004 may not exceed the  
19 amount paid in calendar year 2000 by that  
20 carrier for screening passengers and prop-  
21 erty, as determined by the Under Sec-  
22 retary.

23 “(iii) ADJUSTMENT OF PER-CARRIER  
24 LIMIT.—For fiscal year 2005 and subse-  
25 quent fiscal years, the per-carrier limita-

tion under clause (ii) may be determined by the Under Secretary on the basis of market share or any other appropriate measure in lieu of actual screening costs in calendar year 2000.

“(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.

“(C) SPECIAL RULE FOR FISCAL YEAR 2002.—The amount of fees collected under this paragraph from any carrier for fiscal year 2002 may not exceed the amounts paid by that carrier for screening passengers and property for a period of time in calendar year 2000 proportionate to the period of time in fiscal year 2002 during which fees are collected under this paragraph.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that



1 originates at an airport in the United States, except that  
2 the total amount of such fees may not exceed \$5.00 per  
3 one-way trip.

4       “(d) IMPOSITION OF FEE.—

5           “(1) IN GENERAL.—Notwithstanding section  
6 9701 of title 31 and the procedural requirements of  
7 section 553 of title 5, the Under Secretary shall im-  
8 pose the fee under subsection (a)(1), and may im-  
9 pose a fee under subsection (a)(2), through the pub-  
10 lication of notice of such fee in the Federal Register  
11 and begin collection of the fee within 60 days of the  
12 date of enactment of this Act, or as soon as possible  
13 thereafter.

14           “(2) SPECIAL RULES PASSENGER FEES.—A fee  
15 imposed under subsection (a)(1) through the proce-  
16 dures under subsection (d) shall apply only to tickets  
17 sold after the date on which such fee is imposed. If  
18 a fee imposed under subsection (a)(1) through the  
19 procedures under subsection (d) on transportation of  
20 a passenger of a carrier described in subsection  
21 (a)(1) is not collected from the passenger, the  
22 amount of the fee shall be paid by the carrier.

23           “(3) SUBSEQUENT MODIFICATION OF FEE.—

24 After imposing a fee in accordance with paragraph  
25 (1), the Under Secretary may modify, from time to





1 time through publication of notice in the Federal  
2 Register, the imposition or collection of such fee, or  
3 both.

4 “(4) LIMITATION ON COLLECTION.—No fee  
5 may be collected under this section except to the ex-  
6 tent that the expenditure of the fee to pay the costs  
7 of activities and services for which the fee is imposed  
8 is provided for in advance in an appropriations Act.

9 “(e) ADMINISTRATION OF FEES.—

10 “(1) FEES PAYABLE TO UNDER SECRETARY.—  
11 All fees imposed and amounts collected under this  
12 section are payable to the Under Secretary.

13 “(2) FEES COLLECTED BY AIR CARRIER.—A fee  
14 imposed under subsection (a)(1) shall be collected by  
15 the air carrier or foreign air carrier that sells a tick-  
16 et for transportation described in subsection (a)(1).

17 “(3) DUE DATE FOR REMITTANCE.—A fee col-  
18 lected under this section shall be remitted on the  
19 last day of each calendar month by the carrier col-  
20 lecting the fee. The amount to be remitted shall be  
21 for the calendar month preceding the calendar  
22 month in which the remittance is made.

23 “(4) INFORMATION.—The Under Secretary may  
24 require the provision of such information as the  
25 Under Secretary decides is necessary to verify that



1 fees have been collected and remitted at the proper  
2 times and in the proper amounts.

3 "(5) FEE NOT SUBJECT TO TAX.—For purposes  
4 of section 4261 of the Internal Revenue Code of  
5 1986 (26 U.S.C. 4261), a fee imposed under this  
6 section shall not be considered to be part of the  
7 amount paid for taxable transportation.

8 "(6) COST OF COLLECTING FEE.—No portion  
9 of fee collected under this section may be retained  
10 by the air carrier or foreign air carrier for the costs  
11 of collecting, handling, or remitting the fee except  
12 for interest accruing to the carrier after collection  
13 and before remittance.

14 "(f) RECEIPTS CREDITED AS OFFSETTING COLLEC-  
15 TIONS.—Notwithstanding section 3302 of title 31, any fee  
16 collected under this section—

17 "(1) shall be credited as offsetting collections to  
18 the account that finances the activities and services  
19 for which the fee is imposed;

20 "(2) shall be available for expenditure only to  
21 pay the costs of activities and services for which the  
22 fee is imposed; and

23 "(3) shall remain available until expended.

1       “(g) REFUNDS.—The Under Secretary may refund  
2 any fee paid by mistake or any amount paid in excess of  
3 that required.

4       “(h) EXEMPTIONS.—The Under Secretary may ex-  
5 empt from the passenger fee imposed under subsection  
6 (a)(1) any passenger enplaning at an airport in the United  
7 States that does not receive screening services under sec-  
8 tion 44901 for that segment of the trip for which the pas-  
9 senger does not receive screening.”.

10       (b) CONFORMING AMENDMENT.—The analysis for  
11 such chapter is amended by adding at the end the fol-  
12 lowing:

“44940 Security service fee.”



1 **["§48114. User fee for security services charge**

2 ~~["(a) IN GENERAL.—The Secretary of Transpor-~~  
 3 ~~tation shall collect a user fee from air carriers. Amounts~~  
 4 ~~collected under this section shall be treated as offsetting~~  
 5 ~~collections to offset annual appropriations for the costs of~~  
 6 ~~providing aviation security services.~~

7 ~~["(b) AMOUNT OF FEE.—Air carriers shall remit~~  
 8 ~~\$2.50 for each passenger enplanement.~~

9 ~~["(c) USE OF FEES.—A fee collected under this sec-~~  
 10 ~~tion shall be used solely for the costs associated with pro-~~  
 11 ~~viding aviation security services and may be used only to~~  
 12 ~~the extent provided in advance in an appropriation law."].~~

13 ~~[(2) CLERICAL AMENDMENT.—The table of~~  
 14 ~~sections for chapter 481 of title 49, United States~~  
 15 ~~Code, is amended by adding at the end thereof the~~  
 16 ~~following:~~

~~["48114. User fee for security services".~~

17 ~~[(3) EFFECTIVE DATE.—The amendment~~  
 18 ~~made by paragraph (1) shall apply with respect to~~  
 19 ~~transportation beginning after the date which is 180~~  
 20 ~~days after the date of enactment of this Act.]~~

C 2 } (b) SPECIFIC AUTHORIZATION OF APPROPRIA-  
 22 TIONS.—

23 (1) IN GENERAL.—Part C of subtitle VII of  
 24 title 49, United States Code, is amended by adding  
 25 at the end the following:

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1 "CHAPTER 483, AVIATION SECURITY FUNDING"

"Sec.

"48301. Aviation security funding

2 "**§ 48301. Aviation security funding**

3 "(a) IN GENERAL.—There are authorized to be ap-  
4 propriated for fiscal years 2002, 2003, 2004, and 2005  
5 such sums as may be necessary to carry out chapter 449  
6 and related aviation security activities under this title. Any  
7 amounts appropriated pursuant to this section for fiscal  
8 year 2002 shall remain available until expended.

9 "(b) GRANTS FOR AIRCRAFT SECURITY.—There is  
10 authorized to be appropriated \$500,000,000 for fiscal year  
11 2002 to the Secretary of Transportation to make grants  
12 to air carriers to—

13 "(1) fortify cockpit doors to deny access from  
14 the cabin to the pilots in the cockpit;

15 "(2) provide for the use of video monitors or  
16 other devices to alert the cockpit crew to activity in  
17 the passenger cabin;

18 "(3) ensure continuous operation of the aircraft  
19 transponder in the event the crew faces an emer-  
20 gency; and

21 "(4) provide for the use of other innovative  
22 technologies to enhance aircraft security."

23 (2) CONFORMING AMENDMENT.—The subtitle  
24 analysis for subtitle VII of title 49, United States

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Insert to Page 76

1       “(b) GRANTS FOR AIRCRAFT SECURITY.—There is  
2 authorized to be appropriated \$500,000,000 for fiscal year  
3 2002 to the Secretary of Transportation to make grants  
4 to or other agreements with air carriers (including intra-  
5 state air carriers) to—

6           “(1) fortify cockpit doors to deny access from  
7 the cabin to the pilots in the cockpit;

8           “(2) provide for the use of video monitors or  
9 other devices to alert the cockpit crew to activity in  
10 the passenger cabin;

11           “(3) ensure continuous operation of the aircraft  
12 transponder in the event the crew faces an emer-  
13 gency; and

14           “(4) provide for the use of other innovative  
15 technologies to enhance aircraft security. ”.



77  
71

1 Code, is amended by inserting after the item relating  
2 to chapter 482 the following:

"483. Aviation Security Funding ..... 48301".

3 **SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION**  
4 **SECURITY.**

5 (a) **LIMITED USE OF AIRPORT IMPROVEMENT PRO-**  
6 **GRAM FUNDS.—**

7 (1) **AIRPORT DEVELOPMENT FUNDS.—**Section  
8 47102(3) of title 49, United States Code, is amend-  
9 ed by adding at the end the following:

10 *additional* ) "(J) ~~with funds made available for~~ fiscal  
11 year 2002, any ~~airport~~ security related activ-  
12 ity required by law or by the Secretary after  
13 September 11, 2001, and before October 1,  
14 2002.

15 (K) in fiscal year 2002 with respect to  
16 funds apportioned under section 47114, any ac-  
17 tivity, including operational activities, of an air-  
18 port that is not a primary airport if that air-  
19 port is located within the confines of enhanced  
20 class B airspace, as defined by Notice to Air-  
21 men FDC 1/0618 issued by the Federal Avia-  
22 tion Administration and the activity ~~is~~ carried *was*  
23 out when the Notice is in effect. *any restriction in*  
24

25 (L) in fiscal year 2002, payments for  
debt service on indebtedness incurred to carry

*(in fiscal  
years  
2001 and  
2002)*

1 out a project at an airport owned or controlled  
2 by the sponsor or at a privately owned or oper-  
3 ated airport passenger terminal financed by in-  
4 debtedness incurred by the sponsor if the Sec-  
5 retary determines that such payments are nec-  
6 essary to prevent a default on the indebted-  
7 ness.”.

8 (2) ALLOWABLE COSTS.—Section 47110(b)(2)  
9 of title 49, United States Code, is amended—

10 (A) by striking “or” in subparagraph (B);

11 (B) by inserting “or” after “executed;” in  
12 subparagraph (C); and

13 (C) by adding at the end the following:

14 “(D) if the cost is incurred after Sep-  
tember 11, 2001, for a project described in sec-  
15 tion 47102(3)(J), and shall not depend upon  
16 the date of execution of a grant agreement  
17 made under this subchapter;”.

18  
19 (3) DISCRETIONARY GRANTS.—Section 47115  
20 of title 49, United States Code, is amended by add-  
21 ing at the end the following:

22 “(i) CONSIDERATIONS FOR PROJECT UNDER EX-  
23 PANDED SECURITY ELIGIBILITY.—In order to assure that  
24 funding under this subchapter is provided to the greatest  
25 needs, the Secretary, in selecting a project described in

47102(3)(J),  
47102  
(3)(L)



1 section 47102(3)(J) for a grant, shall consider the non-  
2 federal resources available to sponsor, the use of such non-  
3 federal resources, and the degree to which the sponsor is  
4 providing increased funding for the project.”.

5 (4) FEDERAL SHARE.—Section 47109(a) of  
6 title 49, United States Code, is amended—

7 (A) by striking “and” in paragraph (3);

8 (B) by striking “47134.” in paragraph (4)  
9 and inserting “47134; and”; and

10 (C) by adding at the end the following:

11 “(5) for fiscal year 2002, 100 percent for a  
12 project described in section 47102(3)(J).”.

13 (5) AIRPORT DEVELOPMENT.—Section  
14 47102(3)(B) of title 49, United States Code, is  
15 amended—

16 (A) by striking “and” at the end of clause  
17 (viii);

18 (B) by striking the period at the end of  
19 clause (ix) and inserting “; and”; and

20 (C) by inserting after clause (ix) the fol-  
21 lowing new clause:

22 “(x) replacement of baggage conveyor  
23 systems, and reconfiguration of terminal  
24 baggage areas, that the Secretary deter-

(S 47102(3)(K),  
(L) 47102(3))

1 mines are necessary to install bulk explo-  
2 sive detection devices.”.

3 (b) APPORTIONED FUNDS.—For the purpose of car-  
4 rying out section 47114 of title 49, United States Code,  
5 for fiscal year 2003, the Secretary shall use, in lieu of  
6 passenger boardings at an airport during the prior cal-  
7 endar year, the greater of—

8 (1) the number of passenger boardings at that  
9 airport during 2000; or

10 (2) the number of passenger boardings at that  
11 airport during 2001.

12 (c) EXPEDITED PROCESSING OF SECURITY-RELATED  
13 PFC REQUESTS.—The Administrator of the Federal  
14 Aviation Administration shall, to the extent feasible, expe-  
15 dite the processing and approval of passenger facility fee  
16 requests under subchapter I of chapter 471 of title 49,  
17 United States Code, for projects described in section  
18 47192(3)(J) of title 49, United States Code.

19 ~~(d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-~~  
20 ~~VISION.—Section 45301(b)(1)(B) of title 49, United~~  
21 ~~States Code, is amended by striking “directly” and insert-~~  
22 ~~ing “reasonably”.~~

insert

Lloyd, 14

attached

180  
Insert to page 180

1 (d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-  
2 VISION.—Section 45301(b)(1)(B) of title 49, United  
3 States Code, is amended—  
4 (1) by striking “directly” and inserting “rea-  
5 sonably”;  
6 (2) by striking “Administration’s costs” and in-  
7 serting “Administration’s costs, as determined by  
8 the Administrator,”; and  
9 (3) by adding at the end “The determination  
10 of such costs by the Administrator is not subject to  
11 judicial review.”.



120  
1 SEC. 2. CHEMICAL AND BIOLOGICAL WEAPON DETEC-  
2 TION.

3 Section 44903(c)(2)(C) of title 49, United States  
4 Code, is amended to read as follows:

5 "(C) MAXIMUM USE OF CHEMICAL AND BI-  
6 OLOGICAL WEAPON DETECTION EQUIPMENT.—

7 The Secretary of Transportation may require  
8 airports to maximize the use of technology and  
9 equipment that is designed to detect or neu-  
10 tralize potential chemical or biological weap-  
11 ons."

121  
12 SEC. ~~120~~. AUTHORIZATION OF FUNDS FOR REIMBURSE-  
13 MENT OF AIRPORTS FOR SECURITY MAN-  
14 DATES.

15 (a) AIRPORT SECURITY.—There is authorized to be  
16 appropriated to the Secretary, for fiscal years 2002 and  
17 2003 a total of \$1,500,000,000 to reimburse airport oper-

18 ators, on-airport parking lots, and vendors of on-airfield  
19 direct services, for direct costs incurred by such operators  
20 to comply with new, additional, or revised security require-  
21 ments imposed on such operators by the Federal Aviation  
22 Administration or Transportation Security Administration  
23 on or after September 11, 2001. Such sums shall remain  
24 available until expended.

25 (b) DOCUMENTATION OF COSTS; AUDIT.—The Sec-  
26 retary may not reimburse an airport operator, on-airport

(not Transportation)

to a...  
CO... 15

1 parking lot, or vendor of on-airfield direct services under  
2 this section for any cost for which the airport operator,  
3 on-airport parking lot, or vendor of on-airfield direct serv-  
4 ices does not demonstrate to the satisfaction of the Sec-  
5 retary, using sworn financial statements or other appro-  
6 priate data, that—

7 (1) the cost is eligible for reimbursement under  
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-  
10 ator, on-airport parking lot, or vendor of on-airfield  
11 direct services.

12 The Inspector General of the Department of Transpor-  
13 tation and the Comptroller General of the United States  
14 may audit such statements and may request any other in-  
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the  
17 date of enactment of this Act, the Secretary, after con-  
18 sultation with airport operators, on-airport parking lots,  
19 and vendors of on-airfield direct services, shall publish in  
20 the Federal Register the procedures for filing claims for  
21 reimbursement under this section of eligible costs incurred  
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air  
services

83  
77

1 (1) an airport receiving Federal financial assist-  
2 ance should meet with the tenants of the airport  
3 (other than air carriers and foreign air carriers) to  
4 discuss adjustments of the rent of the tenants to ac-  
5 count for losses in revenue incurred by the tenants  
6 on and after September 11, 2001; ~~and~~

7 (2) an air carrier that received financial assist-  
8 ance under the Air Transportation Safety and Sys-  
9 tem Stabilization Act or under title 49, United  
10 States Code, since September 11, 2001, should meet  
11 with airport operators to discuss ~~adjustments in~~  
12 rates, charges, and fees ~~and~~

payment  
of  
applicable

13 **SEC. 113. AIRPORT IMPROVEMENT PROGRAMS.**

14 (a) COMPETITION PLAN.—Section 47106(f) is  
15 amended—

16 (1) by redesignating paragraph (3) as para-  
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-  
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-  
22 cility fee approved, or grant made, in fiscal year  
23 2002 if the fee or grant is to be used to improve se-  
24 curity at a covered airport.”.

**Insert to page 83**

1           (3) the Federal Aviation Administration should  
2           maintain its current restriction on carry-on baggage  
3           of 1 bag and 1 personal item.

1 (b) CONFORMING AMENDMENT TO AIRPORT AND  
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-  
3 ternal Revenue Code of 1986 (relating to airport and air-  
4 way program) is amended by inserting “or the ~~Airport and~~ *(Aviation*  
5 Transportation Security ~~Federalization~~ Act” after “21st  
6 Century”.

124 ) 7 **SEC. 144. TECHNICAL CORRECTIONS.**

8 (a) REPORT DEADLINE.—Section 106(a) of the Air  
9 Transportation Safety and System Stabilization Act (Pub-  
10 lic Law 107-42) is amended by striking “February 1,  
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—  
13 Section 44306(c) (as redesignated by section 201(d) of  
14 such Act) is amended by inserting “in the interest of air  
15 commerce or national security or” before “to carry out  
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section  
18 102(c)(2)(A) of such Act is amended by striking “rep-  
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE  
21 PER AIR CARRIER.—Section 103 of such Act is amended  
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

24 “(1) SET-ASIDE.—The President may set aside  
25 a portion of the amount of compensation payable to



*air tour  
operators  
and*

1 air carriers under section 101(a)(2) to provide com-  
2 pensation to classes of air carriers, such as air am-  
3 bulances (including hospitals operating air ambu-  
4 lances) for whom the application of a distribution  
5 formula containing available seat miles as a factor  
6 would inadequately reflect their share of direct and  
7 incremental losses. The President shall reduce the  
8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)  
9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-  
11 dent shall distribute the amount set aside under this  
12 subsection proportionally among air carriers pro-  
13 ~~viding air ambulance services~~ based on an appro-  
14 priate auditable measure, as determined by the  
15 President.”.

16 **SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**  
17 **SUSPICIOUS ACTIVITIES.**

18 (a) IN GENERAL.—Subchapter II of chapter 449 of  
19 title 49, United States Code, is amended by inserting at  
20 the end the following:

21 **“§ 44940. Immunity for reporting suspicious activities**

22 **“(a) IN GENERAL.—**Any air carrier or foreign air  
23 carrier or any employee of an air carrier or foreign air  
24 carrier who makes a voluntary disclosure of any suspicious  
25 transaction relevant to a possible violation of law or regu-

85 (86)

1 lation, relating to air piracy, a threat to aircraft or pas-  
 2 senger safety, or terrorism, as defined by section 3077 of  
 3 title 18, United States Code, to any employee or agent  
 4 of the Department of Transportation, the Department of  
 5 Justice, any Federal, State, or local law enforcement offi-  
 6 cer, or any airport or airline security officer shall not be  
 7 civilly liable to any person under any law or regulation  
 8 of the United States, any constitution, law, or regulation  
 9 of any State or political subdivision of any State, for such  
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply  
 12 to—

13 "(1) any disclosure made with actual knowledge  
 14 that the disclosure was false, inaccurate, or mis-  
 15 leading; or

16 "(2) any disclosure made with reckless dis-  
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**  
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The  
 21 National Institute of Justice shall assess the range of less-  
 22 than-lethal weaponry available for use by a flight deck  
 23 crewmember temporarily to incapacitate an individual who  
 24 presents a clear and present danger to the safety of the  
 25 aircraft, its passengers, or individuals on the ground and

(b) "any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or" is amended by adding at the end the following: "44941. Immunity for reporting suspicious activities."

126

11.

1 report its findings and recommendations to the Secretary  
2 of Transportation within 90 days after the date of enact-  
3 ment of this Act.

(b) Arming }  
Flight Deck }  
Crew... }  
4 Section 44903 of title 49, United States Code, is  
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH  
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-  
9 ceiving the recommendations of the National Insti-  
10 tute of Justice, determines, with the approval of the  
11 Attorney General and the Secretary of State, that it  
12 is appropriate and necessary and would effectively  
13 serve the public interest in avoiding air piracy, the  
14 Secretary may authorize members of the flight deck  
15 crew on any aircraft providing air transportation or  
16 intrastate air transportation to carry a less-than-le-  
17 thal weapon while the aircraft is engaged in pro-  
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority  
20 under paragraph (1) for flight deck crew members  
21 to carry a less-than-lethal weapon while engaged in  
22 providing air transportation or intrastate air trans-  
23 portation, the Secretary shall—

1           “(A) prescribe rules requiring that any  
2           such crew member be trained in the proper use  
3           of the weapon; and

4           “(B) prescribe guidelines setting forth the  
5           circumstances under which such weapons may  
6           be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8           (a) IN GENERAL.—During a national emergency af-  
9           fecting air transportation or intrastate air transportation,  
10          the Secretary of Transportation, after consultation with  
11          the Transportation Security Oversight Board, may grant  
12          a complete or partial waiver of any restrictions on the car-  
13          riage by aircraft of freight, mail, emergency medical sup-  
14          plies, personnel, or patients on aircraft, imposed by the  
15          Department of Transportation (or other Federal agency  
16          or department) that would permit such carriage of freight,  
17          mail, emergency medical supplies, personnel, or patients  
18          on flights, to, from, or within a State if the Secretary de-  
19          termines that—

20               (1) extraordinary air transportation needs or  
21               concerns exist; and

22               (2) the waiver is in the public interest, taking  
23               into consideration the isolation of and dependence on  
24               air transportation of the State.

1 (b) LIMITATIONS.—The Secretary may impose rea-  
2 sonable limitations on any such waiver.

128 ) 3 **SEC. 125. FLIGHT DECK SECURITY**

4 The pilot of a passenger aircraft operated by an air  
5 carrier in air transportation or intrastate air transpor-  
6 tation is authorized to carry a firearm into the cockpit  
7 if—

8 (1) the Under Secretary of Transportation for  
9 ~~Transportation~~ Security approves;

10 (2) the air carrier approves;

11 (3) the firearm is approved by the Under Sec-  
12 retary; and

13 (4) the pilot has received proper training for  
14 the use of the firearm, as determined by the Sec-  
15 retary. Under

129 ) 16 **SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

17 Section 44703(g) of title 49, United States Code, is  
18 amended—

19 (1) in the first sentence of paragraph (1)—

20 (A) by striking “pilots” and inserting “air-  
21 men”; and

22 (B) by striking the period and inserting  
23 “and related to combating acts of terrorism.”;  
24 and

51  
84

1 (2) by adding at the end, the following new  
2 paragraphs:

3 “(3) For purposes of this section, the term ‘acts of  
4 terrorism’ means an activity that involves a violent act or  
5 an act dangerous to human life that is a violation of the  
6 criminal laws of the United States or of any State, or that  
7 would be a criminal violation if committed within the juris-  
8 diction of the United States or of any State, and appears  
9 to be intended to intimidate or coerce a civilian population  
10 to influence the policy of a government by intimidation  
11 or coercion or to affect the conduct of a government by  
12 assassination or kidnaping.

13 “(4) The Administrator is authorized and directed to  
14 work with State and local authorities, and other Federal  
15 agencies, to assist in the identification of individuals ap-  
16 plying for or holding airmen certificates.”.

135 17 **SEC. 449. RESULTS-BASED MANAGEMENT.**

18 Subchapter II of chapter 449 of title 49, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing:

21 **“§ 44942. Performance goals and objectives**

22 **“(a) SHORT TERM TRANSITION.—**

23 **“(1) IN GENERAL.—**Within 180 days after the  
24 date of enactment of the Aviation and Transpor-  
25 tation Security Act, the Under Secretary for Trans-

1       portation Security may, in consultation with  
2       Congress—

3               “(A) establish acceptable levels of perform-  
4               ance for aviation security, including screening  
5               operations and access control, and

6               “(B) provide Congress with an action plan,  
7               containing measurable goals and milestones,  
8               that outlines how those levels of performance  
9               will be achieved.

10              “(2) BASICS OF ACTION PLAN.—The action  
11              plan shall clarify the responsibilities of the Trans-  
12              portation Security Administration, the Federal Avia-  
13              tion Administration and any other agency or organi-  
14              zation that may have a role in ensuring the safety  
15              and security of the civil air transportation system.

16              “(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

17              “(1) PERFORMANCE PLAN AND REPORT.—

18              “(A) PERFORMANCE PLAN.—

19              “(i) Each year, consistent with the re-  
20              quirements of the Government Perform-  
21              ance and Results Act of 1993 (GPRA), the  
22              Secretary and the Under Secretary for  
23              Transportation Security shall agree on a  
24              performance plan for the succeeding 5  
25              years that establishes measurable goals

1 and objectives for aviation security. The  
2 plan shall identify action steps necessary to  
3 achieve such goals.

I26 } 4 “(ii) In addition to meeting the require-  
5 ments of GPRA, the performance plan should  
6 clarify the responsibilities of the Secretary, the  
7 Under Secretary for Transportation Security  
8 and any other agency or organization that may  
9 have a role in ensuring the safety and security  
10 of the civil air transportation system.

I24 } 11 “(B) PERFORMANCE REPORT.—(i) Each  
12 year, consistent with the requirements of  
13 GPRA, the Under Secretary for Transportation  
14 Security shall prepare and submit to Congress  
15 an annual report including an evaluation of the  
16 extent goals and objectives were met. The re-  
17 port shall include the results achieved during  
18 the year relative to the goals established in the  
19 performance plan.

20 **“§ 44943. Performance management system**

21 “(a) ESTABLISHING A FAIR AND EQUITABLE SYS-  
22 TEM FOR MEASURING STAFF PERFORMANCE.—The  
23 Under Secretary for Transportation Security shall estab-  
24 lish a performance management system which strengthens  
25 the organization’s effectiveness by providing for the estab-



1 lishment of goals and objectives for managers, employees,  
 2 and organizational performance consistent with the per-  
 3 formance plan.

4 "(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY  
 5 FOR MEETING PERFORMANCE GOALS.—

6 "(1) Each year, the Secretary and Under Sec-  
 7 retary for Transportation Security shall enter into  
 8 an annual performance agreement that shall set  
 9 forth organizational and individual performance  
 10 goals for the Under Secretary.

11 "(2) Each year, the Under Secretary for ~~Transportation Security~~  
 12 ~~and each senior manager who reports to~~  
 13 the Under Secretary for ~~Transportation Security~~ shall  
 14 enter into an annual performance agreement that sets  
 15 forth organization and individual goals for those man-  
 16 agers. All other employees hired under the authority of  
 17 the Under Secretary for ~~Transportation Security~~ shall  
 18 enter into an annual performance agreement that sets  
 19 forth organization and individual goals for those employ-  
 20 ees.

21 "(c) PERFORMANCE-BASED SERVICE CON-  
 22 TRACTING.—To the extent contracts, if any, are used to  
 23 implement the Aviation Security Act, the Under Secretary  
 24 for Transportation Security shall, to the extent practical,  
 25 maximize the use of performance-based service contracts.

1 These contracts should be consistent with guidelines pub-  
2 lished by the Office of Federal Procurement Policy.”

131 / ~~3 SEC. 129. VOLUNTARY PROVISION OF EMERGENCY SERV-~~  
4 ~~ICES DURING COMMERCIAL FLIGHTS.~~

5 (a) IN GENERAL.—Subchapter II of chapter 449 of  
6 title 49, United States Code, is amended by adding at the  
7 end the following new section:

8 **“§ 44944. Voluntary provision of emergency services**

9 “(a) PROGRAM FOR PROVISION OF VOLUNTARY  
10 SERVICES.—

11 “(1) PROGRAM.—The Under Secretary of  
12 Transportation for Transportation Security shall  
13 carry out a program to permit qualified law enforce-  
14 ment officers, firefighters, and emergency medical  
15 technicians to provide emergency services on com-  
16 mercial air flights during emergencies.

17 “(2) REQUIREMENTS.—The Under Secretary  
18 shall establish such requirements for qualifications  
19 of providers of voluntary services under the program  
20 under paragraph (1), including training require-  
21 ments, as the Under Secretary considers appro-  
22 priate.

23 “(3) CONFIDENTIALITY OF REGISTRY.—If as  
24 part of the program under paragraph (1) the Under  
25 Secretary requires or permits registration of law en-

1       forcement officers, firefighters, or emergency med-  
2       ical technicians who are willing to provide emergency  
3       services on commercial flights during emergencies,  
4       the Under Secretary shall take appropriate actions  
5       to ensure that the registry is available only to appro-  
6       priate airline personnel and otherwise remains con-  
7       fidential.

8           “(4) CONSULTATION.—The Under Secretary  
9       shall consult with appropriate representatives of the  
10      commercial airline industry, and organizations rep-  
11      resenting community-based law enforcement, fire-  
12      fighters, and emergency medical technicians, in car-  
13      rying out the program under paragraph (1), includ-  
14      ing the actions taken under paragraph (3).

15      “(b) EXEMPTION FROM LIABILITY.—An individual  
16      shall not be liable for damages in any action brought in  
17      a Federal or State court that arises from an act or omis-  
18      sion of the individual in providing or attempting to provide  
19      assistance in the case of an in-flight emergency in an air-  
20      craft of an air carrier if the individual meets such quali-  
21      fications as the Under Secretary shall prescribe for pur-  
22      poses of this section.

23      “(c) EXCEPTION.—The exemption under subsection  
24      (b) shall not apply in any case in which an individual pro-  
25      vides, or attempts to provide, assistance described in that

97  
~~98~~

1 paragraph in a manner that constitutes gross negligence  
2 or willful misconduct.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by adding  
5 at the end the following new item:

“44944. Voluntary provision of emergency services”.

6 (c) CONSTRUCTION REGARDING POSSESSION OF  
7 FIREARMS.—Nothing in this section may be construed to  
8 require any modification of regulations of the Department  
9 of Transportation governing the possession of firearms  
10 while in aircraft or air transportation facilities or to au-  
11 thorize the possession of a firearm in an aircraft or any  
12 such facility not authorized under those regulations.

13 **SEC. H3. GENERAL AVIATION AND AIR CHARTERS.**

14 (a) AIR CHARTER PROGRAM.—Within 90 days after  
15 the date of enactment of this Act, the Under Secretary  
16 of Transportation for Transportation Security shall imple-  
17 ment an aviation security program for charter air carriers  
18 (as defined in section 40102(a)(13) of title 49, United  
19 States Code) with a maximum ~~certified~~ takeoff weight of  
20 12,500 pounds or more.

21 (b) GENERAL AVIATION PROGRAM.—Within 30 days  
22 after the date of enactment of this Act, the Under Sec-  
23 retary of Transportation for Transportation Security shall  
24 transmit a report on airspace and other security measures  
25 that can be deployed, as necessary, to improve security

(cert. flight)

(general aviation)

1 to the Senate Committee on Commerce, Science, and  
2 Transportation and the House of Representatives Com-  
3 mittee on Transportation and Infrastructure. The Under  
4 Secretary may submit the report in both classified and re-  
5 dacted forms.

133

6 **SEC. 135. DEFINITIONS.**

7 Except as otherwise explicitly provided, any term  
8 used in this title that is defined in section 40102 of title  
9 49, United States Code, has the meaning given that term  
10 in that section.

134

11 **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION**  
12 **MATTERS.**

13 (a) **FLIGHT SERVICE STATION EMPLOYEES.**—It is  
14 the sense of Congress that the Administrator of the Fed-  
15 eral Aviation Administration should continue negotiating  
16 in good faith with flight service station employees of the  
17 Administration with a goal of reaching agreement on a  
18 contract as soon as possible.

19 (b) **WAR RISK INSURANCE.**—It is the sense of Con-  
20 gress that the Secretary of Transportation should imple-  
21 ment section 202 of the Air Transportation Safety and  
22 System Stabilization Act (Public Law 107-42) so as to  
23 make war risk insurance directly available to vendors,  
24 agents, and subcontractors of air carriers for all of their  
25 domestic operations.

## 135 1 SEC. 186. SENSE OF THE HOUSE OF REPRESENTATIVES.

2 It is the sense of the House of Representatives that

3 the Under Secretary of Transportation for Security should

4 develop security procedures to allow passengers trans-

5 porting a musical instrument on a flight of an air carrier

6 to transport the instrument in the passenger cabin of the

7 aircraft, notwithstanding any size or other restriction on

8 carry-on baggage but subject to such other reasonable se-

9 curity procedures, terms, and conditions as may be estab-

10 lished by the Under Secretary or the air carrier, including

11 imposing additional charges by the air carrier, and

## 136 12 SEC. —. SHORT-TERM ASSESSMENT AND DEPLOYMENT

13 OF EMERGING SECURITY TECHNOLOGIES

14 AND PROCEDURES.

15 Section 44903 of title 49, United States Code, is

16 amended by adding at the end the following:

17 “(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT

18 OF EMERGING SECURITY TECHNOLOGIES AND PROCE-

19 DURES.—

20 “(1) IN GENERAL.—The Under Secretary for

21 Transportation) Security shall recommend to airport

22 operators, within 6 months after the date of enact-

23 ment of the Aviation and Transportation Security

24 Act, commercially available measures or procedures

25 to prevent access to secure airport areas by unau-

26 thorized persons. As part of the 6-month assess-

Inv.  
HOM. 083  
Attchd

Insert to p. 99

1           (2) an air carrier that transports mail under a  
2       contract with the United States Postal Service  
3       should transport any animal that the Postal Service  
4       allows to be shipped through the mail.

1       ment, the Under Secretary for Transportation Secu-  
2       rity shall—

3               “(A) review the effectiveness of biometrics  
4       systems currently in use at several United  
5       States airports, including San Francisco Inter-  
6       national;

7               “(B) review the effectiveness of increased  
8       surveillance at access points;

9               “(C) review the effectiveness of card- or  
10      keypad-based access systems;

11              “(D) review the effectiveness of airport  
12      emergency exit systems and determine whether  
13      those that lead to secure areas of the airport  
14      should be monitored or how breaches can be  
15      swiftly responded to; and

16              “(E) specifically target the elimination of  
17      the “piggy-backing” phenomenon, where an-  
18      other person follows an authorized person  
19      through the access point.

20      The 6-month assessment shall include a 12-month  
21      deployment strategy for currently available tech-  
22      nology at all category X airports, as defined in the  
23      Federal Aviation Administration approved air carrier  
24      security programs required under part 108 of title  
25      14, Code of Federal Regulations. Not later than 18



1 months after the date of enactment of this Act, the  
2 Secretary of Transportation shall conduct a review  
3 of reductions in unauthorized access at these air-  
4 ports.

5 “(2) COMPUTER-ASSISTED PASSENGER  
6 PRESCREENING SYSTEM.—

7 “(A) IN GENERAL.—The Secretary of  
8 Transportation shall ensure that the Computer-  
9 Assisted Passenger Prescreening System, or  
10 any successor system—

11 “(i) is used to evaluate all passengers  
12 before they board an aircraft; and

13 “(ii) includes procedures to ensure  
14 that individuals selected by the system and  
15 their carry-on and checked baggage are  
16 adequately screened.

17 “(B) MODIFICATIONS.—The Secretary of  
18 Transportation may modify any requirement  
19 under the Computer-Assisted Passenger  
20 Prescreening System for flights that originate  
21 and terminate within the same State, if the  
22 Secretary determines that—

23 “(i) the State has extraordinary air  
24 transportation needs or concerns due to its

1 isolation and dependence on air transpor-  
2 tation; and

3 “(ii) the routine characteristics of  
4 passengers, given the nature of the market,  
5 regularly triggers primary selectee status.

137 } 6 **SEC. —. RESEARCH AND DEVELOPMENT OF AVIATION**  
7 **SECURITY TECHNOLOGY.**

8 (a) **FUNDING.**—To augment the programs authorized  
9 in section 44912(a)(1) of title 49, United States Code,  
10 there is authorized to be appropriated an additional  
11 \$50,000,000 for each of fiscal years 2002 through 2006  
12 and such sums as are necessary for each fiscal year there-  
13 after to the Transportation Security Administration, for  
14 research, development, testing, and evaluation of the fol-  
15 lowing technologies which may enhance aviation security  
16 in the future. Grants to industry, academia, and Govern-  
17 ment entities to carry out the provisions of this section  
18 shall be available for fiscal years 2002 and 2003 for—

19 (1) the acceleration of research, development,  
20 testing, and evaluation of explosives detection tech-  
21 nology for checked baggage, specifically, technology  
22 that is—

23 (A) more cost-effective for deployment for  
24 explosives detection in checked baggage at  
25 small- to medium-sized airports, and is cur-

1           rently under development as part of the Argus  
2           research program at the Transportation Secu-  
3           rity Administration;

4           (B) faster, to facilitate screening of all  
5           checked baggage at larger airports; or

6           (C) more accurate, to reduce the number  
7           of false positives requiring additional security  
8           measures;

9           (2) acceleration of research, development, test-  
10          ing, and evaluation of new screening technology for  
11          carry-on items to provide more effective means of  
12          detecting and identifying weapons, explosives, and  
13          components of weapons of mass destruction, includ-  
14          ing advanced x-ray technology;

15          (3) acceleration of research, development, test-  
16          ing, and evaluation of threat screening technology  
17          for other categories of items being loaded onto air-  
18          craft, including cargo, catering, and duty-free items;

19          (4) acceleration of research, development, test-  
20          ing, and evaluation of threats carried on persons  
21          boarding aircraft or entering secure areas, including  
22          detection of weapons, explosives, and components of  
23          weapons of mass destruction;

24          (5) acceleration of research, development, test-  
25          ing and evaluation of integrated systems of airport

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1 security enhancement, including quantitative meth-  
2 ods of assessing security factors at airports selected  
3 for testing such systems;

4 (6) expansion of the existing program of re-  
5 search, development, testing, and evaluation of im-  
6 proved methods of education, training, and testing  
7 of key airport security personnel; and

8 (7) acceleration of research, development, test-  
9 ing, and evaluation of aircraft hardening materials,  
10 and techniques to reduce the vulnerability of aircraft  
11 to terrorist attack.

12 (b) GRANTS.—Grants awarded under this subtitle  
13 shall identify potential outcomes of the research, and pro-  
14 pose a method for quantitatively assessing effective in-  
15 creases in security upon completion of the research pro-  
16 gram. At the conclusion of each grant, the grant recipient  
17 shall submit a final report to the Transportation Security  
18 Administration that shall include sufficient information to  
19 permit the Under Secretary to prepare a cost-benefit anal-  
20 ysis of potential improvements to airport security based  
21 upon deployment of the proposed technology. The Under  
22 Secretary shall begin awarding grants under this subtitle  
23 within 90 days of the date of enactment of this Act.

24 (c) BUDGET SUBMISSION.—A budget submission and  
25 detailed strategy for deploying the identified security up-

Transportation  
Security

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1 grades recommended upon completion of the grants  
2 awarded under subsection (b), shall be submitted to Con-  
3 gress as part of the Department of Transportation's an-  
4 nual budget submission.

5 (d) DEFENSE RESEARCH.—There is authorized to be  
6 appropriated \$20,000,000 to the Transportation Security  
7 Administration to issue research grants in conjunction  
8 with the Defense Advanced Research Projects Agency.  
9 Grants may be awarded under this section for—

10 (1) research and development of longer-term  
11 improvements to airport security, including advanced  
12 weapons detection;

13 (2) secure networking and sharing of threat in-  
14 formation between Federal agencies, law enforce-  
15 ment entities, and other appropriate parties;

16 (3) advances in biometrics for identification and  
17 threat assessment; or

18 (4) other technologies for preventing acts of ter-  
19 rorism in aviation.

138 20 **SEC. —. EMPLOYMENT INVESTIGATIONS AND RESTRIC-**  
21 **TIONS.**

22 (a) IN GENERAL.—Section 44936 of title 49, United  
23 States Code, is amended—

24 (1) by inserting “and a review of available law  
25 enforcement data bases and records of other govern-



1       mental and international agencies to the extent de-  
2       termined practicable by the Under Secretary of  
3       Transportation for Transportation Security," after  
4       "check" in subsection (a)(1)(A);

5           (2) by striking "in any case described in sub-  
6       paragraph (C)" in subsection (a)(1)(B) and insert-  
7       ing "and a review of available law enforcement data  
8       bases and records of other governmental and inter-  
9       national agencies to the extent determined prac-  
10      ticable by the Under Secretary of Transportation for  
11      Transportation Security";

12           (3) by striking "will be" in subsection  
13      (a)(1)(B)(i) and inserting "are";

14           (4) by striking "and" after the semicolon in  
15      clause (ii) of subsection (a)(1)(B)

16           (5) by redesignating clause (iii) of subsection  
17      (a)(1)(B) as clause (iv);

18           (6) by inserting after clause (ii) of subsection  
19      (a)(1)(B) the following:

20                    "(iii) individuals who regularly have  
21                    escorted access to aircraft of an air carrier  
22                    or foreign air carrier or a secured area of  
23                    an airport in the United States the Admin-  
24                    istrator designates that serves an air car-  
25                    rier or foreign air carrier; and";

1 (7) by striking subparagraphs (C), (D), and (E)  
2 of subsection (a)(1) and redesignating subparagraph  
3 (F) as subparagraph (D);

4 (8) by inserting after subparagraph (B) of sub-  
5 section (a)(1) the following:

6 “(C) BACKGROUND CHECKS OF CURRENT  
7 EMPLOYEES.—

8 “(i) A new background check (includ-  
9 ing a criminal history record check and a  
10 review of available law enforcement data  
11 bases and records of other governmental  
12 and international agencies to the extent de-  
13 termined practicable by the Under Sec-  
14 retary of Transportation for Transpor-  
15 tation Security shall be required for any  
16 individual who is employed in a position  
17 described in subparagraphs (A) and (B) on  
18 the date of enactment of the Aviation and  
19 Transportation Security Act.

20 “(ii) The Under Secretary may pro-  
21 vide by order (without regard to the provi-  
22 sions of chapter 5 of title 5, United States  
23 Code) for a phased-in implementation of  
24 the requirements of this subparagraph.”;



1 (9) by striking "107.31(m)" in subparagraph  
2 (D), as redesignated, and inserting "107.31(m)(1)  
3 or (2)";

4 (10) by striking "the date of enactment of this  
5 subparagraph." in subparagraph (D), as redesign-  
6 dated, and inserting "November 22, 2000. The  
7 Under Secretary shall work with the International  
8 Civil Aviation Organization and with appropriate au-  
9 thorities of foreign countries to ensure that individ-  
10 uals exempted under this subparagraph do not pose  
11 a threat to aviation or national security.";

12 (11) by striking "carrier, or airport operator"  
13 in subsection (a)(2) and inserting "carrier, airport  
14 operator, or government";

15 (12) by striking "carrier, or airport operator"  
16 in subsection (b)(1) and inserting "carrier, airport  
17 operator, or government";

18 (13) by striking "carrier, or airport operator"  
19 in subsection (b)(3) and inserting "carrier, airport  
20 operator, or government"; and

21 (14) by adding at the end of subsection (c)(1)  
22 "All Federal agencies shall cooperate with the Under  
23 Secretary and the Under Secretary's designee in the  
24 process of collecting and submitting fingerprints."

1 (b) RECORDS OF EMPLOYMENT OF PILOT APPLI-  
2 CANTS.—Part A of subtitle VII is amended—

3 (1) by moving subsections (f), (g), and (h) of  
4 section 44936 from section 44936, inserting them at  
5 the end of section 44703, and redesignating them as  
6 subsections (h), (i), and (j), respectively; and

7 (2) in subsections (i) and (j) of section 44703  
8 (as moved to the end of section 44703 by paragraph  
9 (1) of this subsection), by striking “subsection (f)”  
10 each place it appears and inserting “subsection (h)”.

11 ~~TITLE H—VICTIMS~~  
12 ~~COMPENSATION~~

*Insert 1. P. 105*  
*- 1 -*

1 SEC. 139. ALCOHOL AND CONTROLLED SUBSTANCE TEST-  
2 ING.

3 Chapter 451 of title 49, United States Code, is  
4 amended—

5 (1) by striking “contract personnel” each place  
6 it appears and inserting “personnel”;

7 (2) by striking “contract employee” each place  
8 it appears and inserting “employee”;

9 (3) in section 45106(c) by striking “contract  
10 employees” and inserting “employees”;

11 (4) by inserting after section 45106 the fol-  
12 lowing:

13 **“§ 45107. Transportation Security Administration**

14 “(a) TRANSFER OF FUNCTIONS RELATING TO TEST-  
15 ING PROGRAMS WITH RESPECT TO AIRPORT SECURITY  
16 SCREENING PERSONNEL.—The authority of the Adminis-  
17 trator of the Federal Aviation Administration under this  
18 chapter with respect to programs relating to testing of air-  
19 port security screening personnel are transferred to the  
20 Under Secretary of Transportation for Security. Notwith-  
21 standing section 45102(a), the regulations prescribed  
22 under section 45102(a) shall require testing of such per-  
23 sonnel by their employers instead of by air carriers and  
24 foreign air carriers.

25 “(b) APPLICABILITY OF CHAPTER WITH RESPECT TO  
26 EMPLOYEES OF ADMINISTRATION.—The provisions of this

1 chapter that apply with respect to employees of the Fed-  
2 eral Aviation Administration whose duties include respon-  
3 sibility for safety-sensitive functions shall apply with re-  
4 spect to employees of the Transportation Security Admin-  
5 istration whose duties include responsibility for security-  
6 sensitive functions. The Under Secretary of Transpor-  
7 tation for Security, the Transportation Security Adminis-  
8 tration, and employees of the Transportation Security Ad-  
9 ministration whose duties include responsibility for secu-  
10 rity-sensitive functions shall be subject to and comply with  
11 such provisions in the same manner and to the same ex-  
12 tent as the Administrator of the Federal Aviation Admin-  
13 istration, the Federal Aviation Administration, and em-  
14 ployees of the Federal Aviation Administration whose du-  
15 ties include responsibility for safety-sensitive functions, re-  
16 spectively.”; and

17 (5) in the analysis for such chapter by inserting  
18 after the item relating to section 45106 the fol-  
19 lowing:

“45107. Transportation Security Administration.”.

20 **SEC. 140. CONFORMING AMENDMENTS TO SUBTITLE VII.**

21 (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-  
22 CANTS.—Part A of subtitle VII of title 49, United States  
23 Code, is amended—

24 (1) by moving subsections (f), (g), and (h) of  
25 section 44936 from section 44936, inserting them at

1 the end of section 44703. and redesignating them as  
2 subsections (h), (i), and (j), respectively; and

3 (2) in subsections (i) and (j) of section 44703  
4 (as moved to the end of section 44703 by paragraph  
5 (1) of this subsection), by striking “subsection (f)”  
6 each place it appears and inserting “subsection (h)”.

7 (b) INVESTIGATIONS AND PROCEDURES.—Chapter  
8 461 of such title is amended—

9 (1) in each of sections 46101(a)(1), 46102(a),  
10 46103(a), 46104(a), 46105(a), 46106, 46107(b),  
11 and 46110(a) by inserting after “(or” the following:  
12 “the Under Secretary of Transportation for Security  
13 with respect to security duties and powers des-  
14 ignated to be carried out by the Under Secretary  
15 or”;

16 (2) by striking “or Administrator” each place it  
17 appears and inserting “, Under Secretary, or Ad-  
18 ministrator”;

19 (3) in section 46101(a)(2) by striking “of  
20 Transportation or the” and inserting “, Under Sec-  
21 retary, or”;

22 (4) in section 46102(b) by striking “and the  
23 Administrator” and inserting “, the Under Sec-  
24 retary, and the Administrator”;

1 (5) in section 46102(c) by striking “and Ad-  
2 ministrator” each place it appears and inserting “  
3 Under Secretary, and Administrator”;

4 (6) in each of sections 46102(d) and 46104(b)  
5 by inserting “the Under Secretary,” after “Sec-  
6 retary,”;

7 (7) in the heading to section 46106 by striking  
8 **“Secretary of Transportation and Admin-  
9 istrator of the Federal Aviation Adminis-  
10 tration”** and inserting **“Department of  
11 Transportation”**; and

12 (8) in the item relating to section 46106 of the  
13 analysis for such chapter by striking “Secretary of  
14 Transportation and Administrator of the Federal  
15 Aviation Administration” and inserting “Depart-  
16 ment of Transportation”.

17 (c) ADMINISTRATIVE.—Section 40113 of such title is  
18 amended—

19 (1) in subsection (a)—

20 (A) by inserting after “(or” the following:  
21 “the Under Secretary of Transportation for Se-  
22 curity with respect to security duties and pow-  
23 ers designated to be carried out by the Under  
24 Secretary or”; and

1 (B) by striking “or Administrator” and in-  
2 serting “. Under Secretary, or Administrator”;  
3 and  
4 (2) in subsection (d)—

5 (A) by inserting after “The” the following:  
6 “Under Secretary of Transportation for Secu-  
7 rity or the”;

8 (B) by striking “Administration” the sec-  
9 ond place it appears and inserting “Transpor-  
10 tation Security Administration or Federal Avia-  
11 tion Administration, as the case may be,”; and

12 (C) by striking “the Administrator de-  
13 cides” and inserting “the Under Secretary or  
14 Administrator, as the case may be, decides”.

15 (d) PENALTIES.—Chapter 463 of such title is  
16 amended—

17 (1) in section 46301(d)(2)—

18 (A) by striking “. chapter 449 (except sec-  
19 tions 44902, 44903(d), 44907(a)–(d)(1)(A) and  
20 (d)(1)(C)–(f), 44908, and 44909),”;

21 (B) by inserting after the first sentence  
22 the following: “The Under Secretary of Trans-  
23 portation for Security may impose a civil pen-  
24 alty for a violation of chapter 449 (except sec-  
25 tions 44902, 44903(d), 44907(a)–(d)(1)(A),

1           44907(d)(1)(C)–(f), 44908, and 44909) or a  
2           regulation prescribed or order issued under  
3           such chapter 449.”; and

4           (C) by inserting “Under Secretary or” be-  
5           fore “Administrator shall”;

6           (2) in each of paragraphs (3) and (4) of section  
7           46301(d) by striking “Administrator” each place it  
8           appears and inserting “Under Secretary or Adminis-  
9           trator”;

10          (3) in section 46301(d)(8) by striking “Admin-  
11          istrator” and inserting “Under Secretary, Adminis-  
12          trator,”;

13          (4) in section 46301(h)(2) by inserting after  
14          “(or” the following: “the Under Secretary of Trans-  
15          portation for Security with respect to security duties  
16          and powers designated to be carried out by the  
17          Under Secretary or”;

18          (5) in section 46303(c)(2) by inserting “or the  
19          Under Secretary of Transportation for Security”  
20          after “Federal Aviation Administration”;

21          (6) in section 46311—

22                 (A) by inserting after “Transportation,”  
23                 the following: “the Under Secretary of Trans-  
24                 portation for Security with respect to security



1 duties and powers designated to be carried out  
2 by the Under Secretary,";

3 (B) by inserting after "Secretary." each  
4 place it appears the following: "Under Sec-  
5 retary,"; and

6 (C) by striking "or Administrator" each  
7 place it appears and inserting ". Under Sec-  
8 retary, or Administrator";

9 (7) in each of sections 46313 and 46316 by in-  
10 serting after "(or" the following: "the Under Sec-  
11 retary of Transportation for Security with respect to  
12 security duties and powers designated to be carried  
13 out by the Under Secretary or"; and

14 (8) in section 46505(d)(2) by inserting "or the  
15 Under Secretary of Transportation for Security"  
16 after "Federal Aviation Administration".

17 **SEC. 141. SAVINGS PROVISION.**

18 (a) **TRANSFER OF ASSETS AND PERSONNEL.—**Ex-  
19 cept as otherwise provided in this Act, those personnel,  
20 property, and records employed, used, held, available, or  
21 to be made available in connection with a function trans-  
22 ferred to the Transportation Security Administration by  
23 this Act shall be transferred to the Transportation Secu-  
24 rity Administration for use in connection with the func-  
25 tions transferred. Unexpended balances of appropriations.

1 allocations, and other funds made available to the Federal  
2 Aviation Administration to carry out such functions shall  
3 also be transferred to the Transportation Security Admin-  
4 istration for use in connection with the functions trans-  
5 ferred.

6 (b) LEGAL DOCUMENTS.—All orders, determinations,  
7 rules, regulations, permits, grants, loans, contracts, settle-  
8 ments, agreements, certificates, licenses, and privileges—

9 (1) that have been issued, made, granted, or al-  
10 lowed to become effective by the Federal Aviation  
11 Administration, any officer or employee thereof, or  
12 any other Government official, or by a court of com-  
13 petent jurisdiction, in the performance of any func-  
14 tion that is transferred by this Act; and

15 (2) that are in effect on the effective date of  
16 such transfer (or become effective after such date  
17 pursuant to their terms as in effect on such effective  
18 date), shall continue in effect according to their  
19 terms until modified, terminated, superseded, set  
20 aside, or revoked in accordance with law by the  
21 Under Secretary of Transportation for Security, any  
22 other authorized official, a court of competent juris-  
23 diction, or operation of law.

24 (c) PROCEEDINGS.—

1           (1) IN GENERAL.—The provisions of this Act  
2       shall not affect any proceedings or any application  
3       for any license pending before the Federal Aviation  
4       Administration at the time this Act takes effect, in-  
5       sofar as those functions are transferred by this Act;  
6       but such proceedings and applications, to the extent  
7       that they relate to functions so transferred, shall be  
8       continued. Orders shall be issued in such pro-  
9       ceedings, appeals shall be taken therefrom, and pay-  
10      ments shall be made pursuant to such orders, as if  
11      this Act had not been enacted; and orders issued in  
12      any such proceedings shall continue in effect until  
13      modified, terminated, superseded, or revoked by a  
14      duly authorized official, by a court of competent ju-  
15      risdiction, or by operation of law.

16           (2) STATUTORY CONSTRUCTION.—Nothing in  
17      this subsection shall be deemed to prohibit the dis-  
18      continuance or modification of any proceeding de-  
19      scribed in paragraph (1) under the same terms and  
20      conditions and to the same extent that such pro-  
21      ceeding could have been discontinued or modified if  
22      this Act had not been enacted.

23           (3) ORDERLY TRANSFER.—The Secretary of  
24      Transportation is authorized to provide for the or-

1 derly transfer of pending proceedings from the Fed-  
2 eral Aviation Administration.

3 (d) SUITS.—

4 (1) IN GENERAL.—This Act shall not affect  
5 suits commenced before the date of the enactment of  
6 this Act, except as provided in paragraphs (2) and  
7 (3). In all such suits, proceeding shall be had, ap-  
8 peals taken, and judgments rendered in the same  
9 manner and with the same effect as if this Act had  
10 not been enacted.

11 (2) SUITS BY OR AGAINST FAA.—Any suit by or  
12 against the Federal Aviation Administration begun  
13 before the date of the enactment of this Act shall be  
14 continued, insofar as it involves a function retained  
15 and transferred under this Act, with the Transpor-  
16 tation Security Administration (to the extent the  
17 suit involves functions transferred to the Transpor-  
18 tation Security Administration under this Act) sub-  
19 stituted for the Federal Aviation Administration.

20 (3) REMANDED CASES.—If the court in a suit  
21 described in paragraph (1) remands a case to the  
22 Transportation Security Administration, subsequent  
23 proceedings related to such case shall proceed in ac-  
24 cordance with applicable law and regulations as in  
25 effect at the time of such subsequent proceedings.

1 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-  
2 CERS.—No suit, action, or other proceeding commenced  
3 by or against any officer in his official capacity as an offi-  
4 cer of the Federal Aviation Administration shall abate by  
5 reason of the enactment of this Act. No cause of action  
6 by or against the Federal Aviation Administration, or by  
7 or against any officer thereof in his official capacity, shall  
8 abate by reason of the enactment of this Act.

9 (f) EXERCISE OF AUTHORITIES.—Except as other-  
10 wise provided by law, an officer or employee of the Trans-  
11 portation Security Administration may, for purposes of  
12 performing a function transferred by this Act or the  
13 amendments made by this Act, exercise all authorities  
14 under any other provision of law that were available with  
15 respect to the performance of that function to the official  
16 responsible for the performance of the function imme-  
17 diately before the effective date of the transfer of the func-  
18 tion under this Act.

19 (g) ACT DEFINED.—In this section, the term “Act”  
20 includes the amendments made by this Act.

21 **SEC. 142. BUDGET SUBMISSIONS.**

22 The President’s budget submission for fiscal year  
23 2003 and each fiscal year thereafter shall reflect the estab-  
24 lishment of the Transportation Security Administration.

1 **SEC. 143. LAND ACQUISITION COSTS.**

2 In the case of a grant for land acquisition issued to  
3 an airport under chapter 471 of title 49, United States  
4 Code, prior to January 1, 1995, the Secretary of Trans-  
5 portation may waive the provisions of section 47108 of  
6 such title and provide an upward adjustment in the max-  
7 imum obligation of the United States under that chapter  
8 to assist the airport in funding land acquisition costs (and  
9 associated eligible costs) that increased as a result of a  
10 judicial order.

11 **SEC. 144. LIMITATION ON LIABILITY FOR ACTS TO THWART**  
12 **CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.**

13 Section 44903 is amended by adding at the end the  
14 following:

15 **“(h) LIMITATION ON LIABILITY FOR ACTS TO**  
16 **THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—**

17 An individual shall not be liable for damages in any action  
18 brought in a Federal or State court arising out of the acts  
19 of the individual in attempting to thwart an act of criminal  
20 violence or piracy on an aircraft if that individual reason-  
21 ably believed that such an act of criminal violence or pi-  
22 racy was occurring or was about to occur.”.

23 **SEC. 145. AIR CARRIERS REQUIRED TO HONOR TICKETS**  
24 **FOR SUSPENDED SERVICE.**

25 **(a) IN GENERAL.—**Each air carrier that provides  
26 scheduled air transportation on a route shall provide, to

1 the extent practicable, air transportation to passengers  
2 ticketed for air transportation on that route by any other  
3 air carrier that suspends, interrupts, or discontinues air  
4 passenger service on the route by reason of insolvency or  
5 bankruptcy of the other air carrier.

6 (b) PASSENGER OBLIGATION.—An air carrier is not  
7 required to provide air transportation under subsection (a)  
8 to a passenger unless that passenger makes alternative ar-  
9 rangements with the air carrier for such transportation  
10 within 60 days after the date on which that passenger's  
11 air transportation was suspended, interrupted, or discon-  
12 tinued (without regard to the originally scheduled travel  
13 date on the ticket).

14 (c) SUNSET.—This section does not apply to air  
15 transportation the suspension, interruption, or discontinu-  
16 ance of which occurs more than 18 months after the date  
17 of enactment of this Act.

18 **SEC. 146. AIRCRAFT OPERATIONS IN ENHANCED CLASS B**  
19 **AIRSPACE.**

20 Upon request of an operator of an aircraft affected  
21 by the restrictions imposed under Notice to Airmen FDC  
22 1/0618 issued by the Federal Aviation Administration, or  
23 any other notice issued after September 11, 2001, and  
24 prior to the date of enactment of this Act that restricts  
25 the ability of United States registered aircraft to conduct

1 operations under part 91 of title 14, Code of Federal Reg-  
2 ulations, in enhanced class B airspace (as defined by such  
3 Notice), such restrictions shall cease to be in effect for  
4 the affected class of operator beginning on the 30th day  
5 following the request, unless the Secretary of Transpor-  
6 tation publishes a notice in the Federal Register before  
7 such 30th day reimposing the restriction and explaining  
8 the reasons for the restriction.

9 **SEC. 147. AVIATION WAR RISK INSURANCE.**

10 Section 44306(b) of title 49, United States Code, is  
11 amended by striking "60 days" each place it appears and  
12 inserting "1 year".

13 **TITLE II—LIABILITY LIMITATION**

14 **SEC. 201. AIR TRANSPORTATION SAFETY AND SYSTEM STA-**  
15 **BILIZATION ACT AMENDMENTS.**

16 (a) **RECOVERY OF COLLATERAL SOURCE OBLIGA-**  
17 **TIONS OF TERRORISTS.**—Section 405(c)(3)(B)(i) of the  
18 Air Transportation Safety and System Stabilization Act  
19 (49 U.S.C. 40101 note) is amended by striking "obliga-  
20 tions." and inserting "obligations, or to a civil action  
21 against any person who is a knowing participant in any  
22 conspiracy to hijack any aircraft or commit any terrorist  
23 act.".



1 (b) EXTENSION OF LIABILITY RELIEF TO AIRCRAFT  
2 MANUFACTURERS AND OTHERS.—Section 408 of that Act  
3 is amended—

4 (1) by striking “**air carrier**” in the section  
5 heading;

6 (2) by striking subsection (a) and inserting the  
7 following:

8 “(a) IN GENERAL.—

9 “(1) LIABILITY LIMITED TO INSURANCE COV-  
10 ERAGE.—Notwithstanding any other provision of  
11 law, liability for all claims, whether for compen-  
12 satory or punitive damages or for contribution or in-  
13 demnity, arising from the terrorist-related aircraft  
14 crashes of September 11, 2001, against an air car-  
15 rier, aircraft manufacturer, airport sponsor, or per-  
16 son with a property interest in the World Trade  
17 Center, on September 11, 2001, whether fee simple,  
18 leasehold or easement, direct or indirect, or their di-  
19 rectors, officers, employees, or agents, shall not be  
20 in an amount greater than the limits of liability in-  
21 surance coverage maintained by that air carrier, air-  
22 craft manufacturer, airport sponsor, or person.

23 “(2) WILLFUL DEFAULTS ON REBUILDING OB-  
24 LIGATION.—Paragraph (1) does not apply to any  
25 such person with a property interest in the World

1 Trade Center if the Attorney General determines.  
2 after notice and an opportunity for a hearing on the  
3 record, that the person has defaulted willfully on a  
4 contractual obligation to rebuild, or assist in the re-  
5 building of, the World Trade Center.

6 “(3) LIMITATIONS ON LIABILITY FOR NEW  
7 YORK CITY.—Liability for all claims, whether for  
8 compensatory or punitive damages or for contribu-  
9 tion or indemnity arising from the terrorist-related  
10 aircraft crashes of September 11, 2001, against the  
11 City of New York shall not exceed the greater of the  
12 city’s insurance coverage or \$350,000,000. If a  
13 claimant who is eligible to seek compensation under  
14 section 405 of this Act, submits a claim under sec-  
15 tion 405, the claimant waives the right to file a civil  
16 action (or to be a party to an action) in any Federal  
17 or State court for damages sustained as a result of  
18 the terrorist-related aircraft crashes of September  
19 11, 2001, including any such action against the City  
20 of New York. The preceding sentence does not apply  
21 to a civil action to recover collateral source obliga-  
22 tions.”; and

23 (3) by adding at the end of subsection (c) the  
24 following: “Subsections (a) and (b) do not apply to  
25 civil actions to recover collateral source obligations.

1 Nothing in this section shall in any way limit any li-  
2 ability of any person who is engaged in the business  
3 of providing air transportation security and who is  
4 not an airline or airport sponsor or director, officer,  
5 or employee of an airline or airport sponsor.”.

6 (c) LIMITATION OF UNITED STATES SUBROGATION  
7 RIGHT.—Section 409 of that Act is amended by striking  
8 “title.” and inserting “title, subject to the limitations de-  
9 scribed in section 408.”.

10 (d) DEFINITIONS.—Section 402 of that Act is  
11 amended—

12 (1) by adding at the end of paragraph (1) the  
13 following: “The term ‘air carrier’ does not include a  
14 person, other than an air carrier, engaged in the  
15 business of providing air transportation security.”.

16 (2) by redesignating paragraphs (3) through  
17 (8) as paragraphs (5) through (10), respectively;  
18 and

19 (3) by inserting after paragraph (2) the fol-  
20 lowing:

21 “(3) AIRCRAFT MANUFACTURER.—The term  
22 ‘aircraft manufacturer’ means any entity that manu-  
23 factured the aircraft or any parts or components of  
24 the aircraft involved in the terrorist related aircraft

1 crashes of September 11, 2001, including employees  
2 and agents of that entity.

3 “(4) AIRPORT SPONSOR.—The term ‘airport  
4 sponsor’ means the owner or operator of an airport  
5 (as defined in section 40102 of title 49, United  
6 States Code).”.

1 And the House agree to the same.